

THE
MILITARY AND NAVAL MAGAZINE
OF THE
UNITED STATES.

VOL. IV.—NO. 1.—SEPTEMBER, 1834.

AN ANSWER TO THE “QUESTION” OF “LEX.”

In the May number of the Military and Naval Magazine, the following question is propounded for solution :

“Can an enlisted soldier, while under sentence of a military court, for a capital crime, be taken from his post, by virtue of civil process for debt, contracted previous to enlistment?”

This “question” embodies several distinct inquiries, which demand a separate consideration.

And first : What change is made in the soldier’s civil relations, by enlistment?

Second : What is the effect of the sentence of a military court on these relations?

And Third : What is the authority of a civil process for debt, over the enlisted soldier?

First—What change, &c.

The soldier’s civil rights and obligations are identical with those of any other American citizen, except when the express provisions of the law ordain otherwise.

The law expressly imposes on him an oath, “to bear true faith and allegiance to the United States; to serve them honestly and faithfully against all their enemies and opposers; and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over him, according to the Rules and Articles of War.” (*Act of Congress, 16th March, 1802.*)

The polity of many of the States expressly deprives him of certain political and civil immunities ; but the law, in return, exempts him from certain political and civil obligations. Among his *immunities*, is an entire exemption from arrest for all debts contracted during enlistment ; and from all debts above twenty dollars, contracted previously to enlistment.

By the act of Congress, approved May 30, 1796, no non-commis-
sioned officer or private could be arrested, or subject to arrest, for any debt under twenty dollars. The act of May 28, 1798, Sec. 14, ex-
empted private soldiers, enl'sted, &c. from *all personal arrests for any debt or contract*, during their term of service ; and the mode of
their discharge from civil process is prescribed. The act of March 3, 1799, Sec. 4, continued this provision in force, and the enlisted
soldier was completely exempted from all and every liability to
arrest for any debt whatsoever. But the act of 1802, fixing the
military peace establishment, revoked* the acts of '98 and '99, and
renewed that of '96, rendering the enlisted soldier liable to arrests
for debt under twenty dollars, contracted before enlistment ; which
provision was successively confirmed by the act of 12th April,
1808, Sec. 5 ; and the act of 3d March, 1815, and is now in force.

Secondly—But does the circumstance of a soldier's being “under sentence of a military court,” alter the case? Not if our premises be correct, that “the enlisted soldier's” rights and obligations are identical with those of every other American citizen, except when the express provisions of the law ordain otherwise. The law makes no reservation for this emergency, and admits of no such exception ; while, on the other hand, the principle that “the military shall be subordinate to the civil power,” inclines opinion contrary to an exemption from civil process under such circumstances. And for the same reason, the being “under sentence of a military court for a *capital crime*,” (which includes all inferior offences in same reasoning,) makes no difference ; and the soldier is still liable to all the obligations of a citizen, from which the law and the virtue of his oath of enlistment does not expressly exempt him. Like every other enlisted soldier, therefore, he is subject to the authority of civil process for debt, above twenty dollars, contracted before enlistment.

This brings us to the third inquiry into the extent of the authority of civil process in the premises.

“Can he be taken from his post?” The sheriff, or his deputy, cannot execute the *capias*, by breaking open the door of the prison,

* The very intelligent compiler of a “Digest of the Laws relating to the Military Establishment of the United States,” expresses a “doubt” of the repeal of this provision of the law of 1798 and 1799, by the acts of 1802, 1808, and 1815 ; and he has, therefore, in conformity with his plan in such sceptical cases, “inserted such provision” as being, perhaps, still in force. See *preface to Captain Mordecai's Digest*. But as the subsequent acts modify the prior ones, in this particular, very materially—limiting an immunity which before was unrestrained, there can be no just cause to doubt that the legislature intended to repeal the provision referred to in the old law.

in which the sentenced soldier may be confined; for this is his "castle of defence and asylum," (Christian's Blackstone, 3—284, and note.) The door of this apartment is an "outer door," which cannot legally be broken open to make an arrest. But if the prisoner be *without* this place of confinement, even in the outer room of the prison, his body could be attached by the civil officer. (Cowper 2; Lee *vs.* Gonsel,) his fetters must be knocked off and he be "taken from his post."

Yet he may be bailed! but by whom? His friends, if they thought with the prisoner, that the confinement of the jail is less arduous than that of the military prison, (as it generally is,) would not bail him; and thus he might pass the whole term of his enlistment away from his post, and yet be entitled to his pay, as if present and doing military duty. He could not be deemed a "deserter," while under custody of the civil authority, and therefore could not be compelled to serve out the time he may have been absent; for the act of 1802, which is now law, makes "*deserters*" only "liable to serve out the full term of their enlistment, and to trial and punishment by court martial, although the term of their enlistment may have elapsed previous to their being apprehended and tried."

When the soldier is arrested and delivered to the civil officers, his absence from his post cannot be construed "desertion," or any other operation of his will. But the conclusion would be the reverse, if, after arrest or confinement in the jail, *he is bailed*: for *then*, is the inception of his crime of desertion. If he is afterwards apprehended, the time to be made up dates only from this era, and extends to the period of his apprehension—allowing, of course, time for the necessary travelling. The soldier, after being bailed, is no longer in custody of the civil power, but of his bailer, and may therefore be reclaimed by military authority.

But suppose the commanding officer, or another, should become the bailer; he assumes a pecuniary responsibility in case of the non-appearance of the bailee at court on the return of the writ, for which the law gives him no recompense, and government no thanks. The penalty of the bail-bond is the reward for his officiousness. The soldier is not likely to be bailed, therefore, unless by some interested friend, or eminently disinterested officer. He is, consequently, not likely to be bailed at all, and his military services will be totally lost to the country, whilst his pay will be a clear gain to himself.

A few comments. The present relation of the enlisted soldier in respect to the question before us, is open to collusion and abuse. There is, at present, in time of peace, no "capital crime" in the army of the United States, (by act of 29th May, 1830;) but there are punishments, severe and degrading, from which the soldier who may be obnoxious to them, would scruple at no measures to escape, and which shameless friends would take every means to enable him to avoid. Such *friends* have neither the courage to be open scoundrels, nor virtue to be sincere and honest; but will accomplish their fraud by sneaking artifice, and imbue their interference with the color of law.

Here is a case in point, and for illustration. An enlisted soldier was charged with some heinous offence, and confined in the military prison. Just after the adjournment of the civil court in January, he was arrested at the suit of his sister, for *washing* and *mending*, amounting to more than twenty dollars, and was held to answer to this suit at the next August term of the court, which was to be held in the town where the sister and her family resided. In the mean while, the soldier was committed to the jail in that town, and being allowed the jail limits, worked on the farm, and lived at his home during the day. After the lapse of several months, an opportunity occurred for some more advantageous employment, and he was bailed from prison by his *creditor*! and is now at large.

Thus for eight months this man has been absent from his post, his pay still running on; and though morally guilty of the crime of "desertion," and though his connexions are morally guilty of "procuring him to desert," yet neither of them can be reached by the penalties of the law of 16th March, 1802.

The length of time in which these nefarious transactions could have been prosecuted, might have been increased by the usual or concerted delays; so that this *monstrous debt* is now, and would have been, the continual apology for the cheating of the government, and for the violation of the oath of enlistment. Perjury is the price of their dishonesty; and all is right, forsooth—because "the law allows it, and the court awards it."

Now, this is not merely a hypothetical illustration of the effect and abuse of the present law. It is an actual occurrence—a plain story, plainly told. Nor is it anomalous; for not only is it notorious that collusions, such as have just been represented, occur, and have occurred under the existing laws; but the same evil, with consequences, however, infinitely more pernicious, existed at the commencement of the war of the Revolution.

The Continental Congress, as early as December, 1775, noticed the growing disposition to violate or evade the law, and endeavored to counteract it, by recommending to the colonial legislatures "to pass acts prohibiting the arrest of continental soldiers for small debts." The preamble to this resolution states, that "there is reason to believe that divers persons, either from inattention to the public good, or with design to retard the recruiting service, have arrested and imprisoned for trifling debts, many soldiers who had engaged to risk their lives in defence of the liberties of America."

It is high time to put a stop to abuses so glaring, by repealing laws so preposterous. The fact is, it is the quintessence of absurdity to punish a man who has got into debt, by preventing him from ever getting out again. He may be hastening, with a fair tide, and before the wind, when a side puff of the vindictive law, drives him into the snug harbor of the jail. The disappointed creditor may there enjoy the savage pleasure of shutting up for life his disabled debtor—or rather, that poor and miserable thing, his body, and thereby may gain a loss of a dollar a week.

But the moral sense of the community is becoming more and

more awakened to the folly of such barbarous laws. Already have the verdict of public opinion, and the persuasions of humanity, pronounced imprisonment for debt impolitic and cruel, except where there is strong presumption or evidence of fraud in the concealment or assignment of property. Honest debtors are exempted from imprisonment by the constitutions of twelve States, and by legislative enactment in two more. A majority of the States have thus set the seal of disapprobation on this practice, and have blotted from their statute books this relic of Pagan and feudal barbarity.

The times are passing by when imprisonment for debt is to be looked upon as a punishment for crime. But so long as these enlightened and christian views are obscured by custom, prejudice, or the morbid fear of innovation, in any of those States where military garrisons are established, let not this law be made a cloak to conceal nefarious and dishonorable interference of citizens with the obligations of a soldier to his country and his oath. If the States do not, Congress ought to place it out of the power of individuals thus to desecrate the sanctity of justice.

They have done so in the late bill, reorganizing the marine corps. Let it then be respectfully urged that they repeal the existing laws on this subject relating to the army, and re-establish those of 1798 and '99. Then shall we suffer no longer the mortification of being obliged to answer the "Question" of Lex in the affirmative.

A. T.

NAVAL LIFE.

No. 3.

We ran down the south side of Cuba leisurely, dropping our boats now and then for a day or two, to search for pirates among the innumerable Cayos, or small, low, marshy islets, covered with thick mangroves, which line a great part of the coast. In due time we doubled Cape Antonio, and aided by the strong current of the Gulf Stream, soon beat up to, and entered the Havana.

We found here several vessels of the squadron, and as some of them were short of men and officers, a number of changes took place. Ours became, for the time being, the flag-ship; and as it was understood that the commodore was about to enter upon the exercise of certain semi-diplomatic functions, there seemed to be a prospect of her remaining inactive for some time. I was, there-

fore, by no means sorry to hear the name of Midshipman Frederick Hope, loudly called one morning in the steerage by the Commodore's secretary, who, so soon as he could grope his way to our mess, where we were at breakfast, put into my hands an order, by which I found that I was, with two other midshipmen, and twenty-eight seamen, *lent* into the Scout—a dashing ten-gun schooner, about to sail upon a cruise among the windward islands.

The Scout was commanded by an old lieutenant, of great experience, who bore the character of a steady, enterprising, good officer; and as my kind friend, Capt. L—, of the frigate, had interested himself for me, I was received by my new commander with marks of especial kindness and favor. My friend Rawdon was one of the two midshipmen ordered with me, which I was very glad of. The other preferred the quarters of a vessel of seventeen hundred tons, to those of a hundred and seventy-five, and took a novel mode of obtaining a revocation of his order. He went on board the schooner, and determined, by careful admeasurement, the dimensions of her steerage; a minute of which, together with one of his own proportions, which were unusually large, especially in *longitude*, he sent to the commodore, with a request that he might be detached. The disproportion was really very considerable, and the commodore, highly amused, at once complied.

Our detachment joined the Scout just as her preparations for sea were finished, and next morning at day-light we got under way, and commenced towing out of the crowded and sultry harbor of Havana, in company with a large fleet of merchantmen, which we were to convoy clear of the Gulf. There was scarcely a breath of wind perceptible, as we passed slowly under the frowning battlements of La Cabana and El Moro, towering above our mast-heads in all the majesty of military strength; but by the time we had fairly gained the open sea, a breeze sprang up, and after lying to a short time for our convoy to collect, we filled away, and made all sail to the eastward. By next evening we had passed through the Florida channel, and after sending a letter bag to the nearest homeward-bound vessel of our convoy, made the signal for parting company. The vessels all hoisted their colors by way of leave-taking, and stood to the northward; while we shaped our course to the S. E. for St. Thomas.

I wrote home by this opportunity, and as I was pleased with my new situation, and inspired by the prospect before me of a little *real* service, my ideas, as they had in my parting letters been of a melancholy cast, were now all *couleur de rose*. Of all the vessels of our West India squadron, the Scout had perhaps been most distinguished for activity and success in hunting down the pirates which infest those seas; and the accounts which my new messmates gave me of their boat expeditions, and occasional skirmishes on shore, were highly exciting to my young imagination, and I longed for nothing so much as to participate in such adventures. The commander of the squadron, too, had mentioned in his despatches several young midshipmen, who had distinguished them-

selves on such occasions; and I hardly need say, that the hope of being thus honored myself, added, not a little, to my ardor, for I felt that, independent of other considerations, it would give me a claim with a certain dark-eyed maid, which there would be no resisting.

After a quick passage, we arrived at St. Thomas, and found the place teeming with reports of horrible piratical depredations, which had just been perpetrated upon the coast of the adjacent island of Porto Rico; and our commander determined upon an expedition in that direction. The captain of a Colombian brig of war, lying in the port, proffered his co-operation, which was accepted, and preparations were forthwith made. Three small coasting sloops of the island were chartered, two by us, and one by the Colombian, for in-shore operations, where the large vessels could not go with safety. It was agreed that the skippers of these vessels should go in them as pilots. They were manned, each with a lieutenant, two midshipmen, and twenty seamen and marines, and armed with a light six-pound gun, and a suitable proportion of small arms. Our first lieutenant commanded the largest and best of the three. Rawdon was to accompany him, and he yielded to my earnest request to take me also, notwithstanding my youth.

Every thing being in readiness, we all sailed together, clearing the harbor late in the afternoon, and steered to the westward for the Sail-Rock passage, which is the channel separating St. Thomas from Porto Rico; it being understood between our commander and the authorities of St. Thomas, that an embargo was to be laid upon all outward-bound vessels for four and twenty hours after our departure, that intelligence of it might not be conveyed to the cut-throats we were in pursuit of. By dark, we were arrived near the desert Isle of Serpents, which lies near Porto Rico, and as it had long been regarded as a piratical rendezvous, we hove to near it, with the intention of giving it a thorough examination next day.

The novelty and interest of my situation, when I was formally given charge of the first watch, was sufficiently stimulating to enable me to exercise a proper vigilance, and no inclination to sleep came over me. There was but little wind; our vessels were all lying near each other, and the night was one of those surpassingly beautiful ones, which are seen no where but within the tropics. The joke and song passed merrily round among our cheerful tars for the first part of the evening, but gradually died away; and before my watch had half expired, all but myself and an old quartermaster, were in the full enjoyment of sleep, under an awning tented over the deck amidships, as a protection from the dews. Rawdon relieved me at midnight, and taking possession of his berth upon an old spare sail, I slept most profoundly, until all hands were called in the morning. By sunrise, obedient to a signal from the Scout, the sloops stood in for the island, and taking different sides of it, proceeded to examine all the inlets where it was possible for a vessel to lie concealed. Our search here for pirates was fruit-

less; but our Colombian ally, to whom all Spanish vessels were good prizes, could not resist the temptation of capturing a small drogher, laden with coffee, which came in his way, notwithstanding an express provision in the terms of our alliance, by which he was, for the time being, to abstain from making such captures. Our commander was, therefore, somewhat incensed at the step; and as a longer co-operation, under such circumstances, did not seem compatible with a proper degree of neutrality on our part towards the good subjects of Spain, his company was dispensed with, and we continued the cruise by ourselves.

Night was at hand when we had completed our examination of the Isle of Serpents. The wind had become fresh, and the weather somewhat threatening. This to us was not a matter of particular importance, as our little vessel had a complete deck, and was safe, unless the weather should become immoderately bad. Not so with our consort, which having but half a deck, and being much smaller, was not so safe. She therefore rejoined the Scout, and was taken in tow, while we continued our course down the southern coast of Porto Rico. Nothing could have been more uncomfortable than that night. The atmosphere below was too close and suffocating for me to bear, and I kept the deck, exposed to the sprays and violent showers of rain which fell at short intervals. Morning at length dawned, and as the sun arose, the clouds partially dispersed, and the wind became more moderate. During the night we had kept at a considerable distance from the shore, in apprehension of coral reefs, but so soon as the day had fairly broken, we stood closer in, and reconnoitred all the inlets carefully as we passed them, but discovered nothing.

By night we had reached the entrance of a large bay, or sound, formed by a long, narrow island stretched across the mouth of a deep indentation of the coast. The entrances at either end of the island are called "La Bocas d'Infierno," (jaws of hell,) from a tremendous surf which continually breaks across them, and as this bay was particularly mentioned for examination in the instructions of our commanding officer, we stood a mile or two to seaward, and hove to, intending to enter by daylight next morning.

The night was dark; there was no moon abroad, and heavy clouds hung loweringly in the sky. After heaving to and setting the watch, the rest of us addressed ourselves to sleep. About midnight, I was awakened by Rawdon, with the stirring intelligence that a small suspicious vessel had been just discovered to leeward. I sprang up, and found that we were already in pursuit of the stranger, who could just be discovered under a press of sail, steering for the coast. A few guns which were fired to bring her to, had not that effect, and one solitary musket shot was all the return she gave us. We continued the chase, therefore, with all possible vigor, not doubting her to be a pirate. In a short time we discovered one of the entrances of the bay ahead, and saw that the object of our pursuit steered directly for it. It had not for a moment occurred to us, that even a pirate could possibly have the

temerity to attempt this passage, dangerous at all times, and trebly so, in the darkness of such a night as this. Now, however, it was evident that such was his intention, and for a moment our commanding officer had determined upon following him at all hazards. We drew near the breakers, and a more awfully sublime spectacle could not be conceived. The swell from the ocean was setting in with unusual violence, and broke upon the shallow bar which crossed the Boca, and upon the tremendous rocks which lined the shore upon either side, with terrific violence and a roar like thunder; while the white, boiling surf, thrown to an immense height, shed, for many yards around, a pale phosphoric glare, which enabled us distinctly to discern our chase upon the crest of a tremendous billow, darting like an arrow into the passage. To follow with our imperfect knowledge of the channel, appeared too terribly hazardous, and the idea was given up; not, however, before we were in fearful proximity with the breakers. Upon attempting to tack, it was doubtful whether our vessel would stay, and a sweep was put out upon the lee bow, by which, with difficulty, her head was hove round. After we had gotten upon the other tack, we were still in the most imminent danger; for the wind had become light, and we were within the influence of the surf. The tremendous rollers, which came thundering on at brief intervals, seemed to heave us nearer and nearer the rocks, notwithstanding the operation of our sweeps, which were now out, and at which all toiled with desperate energy. For sometime there seemed but slender hopes of escape; but at length the breeze freshened, and we drew off shore again.

We were, of course, deeply disappointed at the result of our chase, but consoled ourselves that we had fairly chased a pirate into the "Jaws of Hell," and that we should probably find what was left of him, about those Jaws in the morning. We were soon undeceived in this, however, for the faint peal of a gun from the bay, which we knew was fired in triumph by the scoundrel, to indicate his safety, saluted our ears before we had lost sight of the breakers. Morning at length dawned, and we again stood in, and crossed the bar at great hazard, even by broad day-light. No vessel appeared in the bay; and after a fruitless search of several hours, we left it again, passing out through the leeward channel. We now stretched over to La Caxa de Muertos, or Dead-Man's Island, so called from its resemblance, when seen at a distance in a certain direction, to a corpse lying upon a chest.

We landed upon this lonely islet, which we found devoid of vegetation, not a little glad of an opportunity of stretching our cramped limbs, after so long a confinement to a space so circumscribed as the deck of our little vessel. After spreading our clothes out upon the rocks to dry, and attending to some other little arrangements, we began rambling upon the shores in search of shells. While thus engaged, a handkerchief, partly buried under the sand, caught my eye, which I pulled up, and found, to my horror, that it enveloped the grisly head of a man recently dead, over whose

remains a little sand had been lightly thrown. I retreated from the spot the moment I made this discovery. The corpse was examined by the rest of the party, and such marks of violence were discovered upon it, as left no doubt of the manner in which the individual, whoever he was, came to his end.

We had been but a few hours on Dead Man's Island when the Scout hove in sight to windward, running down the coast under easy sail. We immediately stood out, rejoined her, and stood into the little port of Ponce together, where we anchored. We found that the other sloop had been discharged, and had returned to St. Thomas. The Colombian had gone to pick up coasters and pirates, if he could catch them, on the north side of the island. We spent two or three days here, uncertain as to our next movements, when authentic intelligence reached us that an act of piracy had just been committed near La Bocas d'Infierno, whither we were again despatched, sailing in the afternoon, and in less than half an hour after the intelligence was received. We had now a head wind to contend with, and our progress up the coast was slow. It was not until near noon next day, that we entered the bay by the leeward passage. No sail appeared in sight, and we stood up towards the windward passage, under easy sail. As evening approached, we discovered a canoe coming to us from the shore, which soon reached us, when we were boarded by a stately old Don, armed to the teeth, who informed us that his plantation in the vicinity had been visited in his absence by pirates, and robbed of much valuable property; and he was now out, he said, upon a reconnoissance, intending to forward any information he might get of the robbers to the authorities of Ponce. The old gentleman's offer to reinforce us with his party of two besides himself, a white man and a negro, was accepted, and we stood on with renewed hopes of success.

The day was by this time declining fast, and nothing could be imagined more serenely beautiful than the calm and lonely scene around us. The breeze was gentle, scarcely sufficient to ruffle the transparent waters of the inlet. Upon one hand rose steep, thickly wooded hills, where no trace of the hand of man could be discovered; and upon the other lay the long, rocky island, shutting out the ocean, upon the outside of which the angry war of the surf was distinctly heard, while occasionally a glimpse of the white surf, tossed far above the rocks, could be caught. Peace seemed to brood over the deep solitude which reigned around, yet many a tale of ruthless bloodshed had been told of La Bocas d'Infierno.

A point of one of the numerous indentations of the bay was now ahead of us, which we steered for, and when within a quarter of a mile of it, a sloop with her decks full of men, and a gun mounted amidships, stood boldly out from behind it. We had taken on board at Ponce an old man whose vessel had been captured from him by pirates but a week or two before, and he at once identified this vessel as his; we therefore knew our game, and I shall never forget the admirable presence of mind with which our commanding

officer took his measures to secure it. From the windward passage no vessel could pass out to sea, and we were between our enemy and the leeward one; we, therefore, had him completely land-locked, and felt sure of the vessel; our only fears were that the pirates themselves would escape to the shore, when hard pushed. We were upon the starboard tack; the pirate, as he stood out upon the opposite one, crossed our bows, and, after getting to windward, bore up a little, and ran down for us, evidently prepared for action, though he seemed uncertain of our character. Our small arms were distributed, and the six-pounders, charged with round and grape, gotten to windward, where it was evident it would first be required, and there covered with a tarpaulin. This done, all our men but three were ordered to lie flat upon the deck, until our enemy was fairly within musket range, when, at the order, they rose and poured in a full and well directed volley. This was returned, though without effect; and a hot skirmish now commenced in good earnest. This was a memorable moment to me, stranger as I was to such scenes. No one could love life better than myself, but my young and ardent temperament was now fairly up, and in my enthusiasm all idea of danger had vanished. Our commander, whose brilliant eye and flushed cheek betokened what was passing within, announced his intention of laying the fellow on board, and our helm was put down for the purpose. The pirate instantly discovered our intention, and frustrated it by tacking also, when we were of course compelled to perform the same evolution a second time. These manoeuvres brought us upon the lee quarter of the pirate, who evidently had the advantage of us in point of sailing. There was no escape to sea, however, and as we were in a favorable position for frustrating any attempt they might make to land, except upon the small island, we still flattered ourselves that they would fall into our hands. We were now engaged in a sharp, running skirmish, standing along upon the same tack for the head of the bay. Our old Don manifested the greatest enthusiasm, taking his station forward with his musket, which he used with great activity. Not so his dependants; for the white man was upon his knees, crossing himself, muttering his prayers and beating his breast; while the negro, who had thrown himself upon the deck, gave most fearful yells at every volley. Neither of them were appeased, until, by order of our commander, one of the sailors, with disgust in his countenance, and sundry strange expletives, threw one into each of the boats towing astern, cutting them adrift at the same time, that there might be no impediment to our sailing.

The fire of our antagonist soon slackened, and we discovered that her sweeps were out, by aid of which she was leaving us rapidly. We soon put ours out also, manning them with sailors, while the marines continued to ply their muskets. The skill and intrepidity, with which the pirate captain managed his vessel in this emergency, was admirable and worthy a better cause. He steered her himself, standing erect and working the tiller with his legs, while he loaded and fired his musket with the utmost cool-

ness. This was the only fire kept up from the vessel during the latter part of the chase, all his men apparently being at the sweeps. Notwithstanding our utmost exertions, he gained upon us, and after getting considerably ahead, bore up, set a large square sail, and crossing our bows, steered for a long, low, wooded point of land, which projected into the bay, near its head. We had no square sail to set, but bore up at the same instant, and as the pirate grounded a short distance from the point, were quite near her. "*Sauve qui peut*" now appeared to be the word with them, for they leaped overboard the moment she touched, and swam for the shore. We gave them a full volley as they did so, and I shall never forget the dying struggles and awful yells of agony given by the miserable wretches who were shot in the water, which for yards around was crimsoned with gore. Most of them reached the land, and vanished from our sight in the thick woods. Pursuit would of course have been fruitless, for night was closing in, our men exhausted, and we were totally unacquainted with the country; besides which, we had no boats to land in. We, therefore, turned our attention to the vessel they had deserted. A sailor swam on board with a rope, by which we hauled her afloat, without difficulty, and having manned her, we both stood down the bay. It was impossible for our men to have swam on shore with fire arms, without which it would have been imprudent to have landed, or we should have at least determined what loss the pirate sustained.

We found our prize, a fine, new, fast-sailing sloop, well fitted for every thing but fighting. Small arms, to be sure, were on board in abundance, but no ammunition, save a keg of loose powder. Lacking shot, they had divested an old fishing seine of its lead, and the pivot-gun was loaded to the muzzle with pebble stones. To this defect in her equipment, we probably owed the slight injury we sustained; for, though our sails and rigging were much cut, not a soul was injured. In her hold were a few cases of dry goods.

We soon fell in with the boats, and the old Spaniard, when we were near his plantation, took his, and went on shore. We then made the best of our way to Ponce, where we arrived next day and found that the Scout had sailed for St. Thomas, having left instructions for us to follow. We had anchored but a few hours, when our commanding officer received an official communication from the Alcalde of the place, conveying the gratifying intelligence of the capture of eleven of the pirates who had escaped us, by a squadron of cavalry under the command of Captain Felix Castijou, which had been despatched from Ponce to co-operate with us, and happening luckily to be in the vicinity of the bay when the firing occurred, was attracted by it to the shore, and fortunately reached it just in time to cut off the retreat of the pirates from the point on which they landed. The captain reported moreover that he left four dead upon the shore, killed by us. The Alcalde concluded his communication with a formal expression of thanks to our expedition, for the zeal manifested in driving these ruthless sea-rob-

bers on shore, whereby they had been apprehended, and would certainly be dealt with according to their demerits.

After obtaining some refreshments, we sailed for St. Thomas, (having delivered our prize over to her rightful owner,) and arrived in a day or two after, when we rejoined the Scout, on board which, there was no little exultation at the result of our expedition. The detachment was now transferred to the Scout, the sloop discharged, and in a few days we sailed for St. Johns, the capital of Porto Rico, situated upon the north side of the island. Upon our arrival, we learned that the eleven pirates had been conveyed there for trial, and were already condemned to death. We visited them at the castle where they were confined. The captain, who had defended himself from the dragoons with the most tiger-like desperation, was lying in the hospital department, covered with sabre wounds and contusions received from the butts of carbines. He was a young man of about twenty-six, and had been ten years engaged in his trade of blood; outlawed for the last six, with a price set upon his head. His countenance was prepossessing, and rather effeminate than otherwise. His eye, which was black and piercing, glanced upon the Lieutenant of the expedition when he was announced, with a most fiend-like expression. He, however, appeared glad to see us, and conversed freely and cheerfully upon our encounter at La Bocas, observing that, had his men stood by him courageously, the result would, perhaps, have been different. He asked many questions, and among others, whether our commanding officer wore a straw hat during the chase; being answered in the affirmative, he observed—"you owe your safety then, sir, to the cursed split bullets which I took from my fishing seine; for I repeatedly did my best to bring you down, and with good ammunition, I am a very tolerable marksman." The only extenuating circumstance, which this man urged, when he was tried, was that of more than a hundred who had fallen by his hands, there had been no native of Porto Rico.

The interest naturally felt by our officers, in the fall of these wretched men, led some of us to be present at the execution, which took place a few days after this interview, in a beautiful valley, immediately in rear of the city. I went, and regretted it, for the horrible spectacle haunted my imagination, sleeping and waking, for many months afterwards.

They had been condemned by a military tribunal, and were to be shot. We reached the ground somewhat before the appointed hour, and examined the preparations which had been made. These consisted merely of a line of eleven short, stout posts, driven firmly into the ground, about eight feet apart, with a small rude seat attached to each. By each seat a grave was dug. The concourse of spectators present was by no means great. I noticed among them many a tall, gaunt figure, clad in striped gingham garments, with swarthy countenance, and piercing eye, twinkling in its deep socket, with an expression, as I thought, of any thing but honesty.

The procession was not long in appearing; it was preceded a

little, by a detachment of infantry, which, as it reached the ground, posted a chain of sentinels, enclosing a square space around the line of benches. Then came the firing party, of thirty-three soldiers, in ranks of three each, which halted and wheeled into line, as they came in front of the benches. The prisoners followed, with pinioned arms, and clad in long white garments, the habiliments of the grave. The captain was first, borne by four soldiers upon a litter, his wounds not suffering him to walk; and many priests were in attendance, who chanted prayers for the dying. They passed along in front of the benches, in single file, the captain being borne to the one on the extreme right, where he was lifted from the litter, when all their arms were unbound, and each was seated. For a few moments, I had an opportunity to examine their countenances. The captain's was firm and composed, though pale with suffering; his eye, as he cast it around, retaining all its piercing brilliancy. To the pious exhortations of the priest who was by him, he appeared perfectly indifferent, though he occasionally kissed, mechanically it seemed, the cross which was held to his lips. With the others, every state of mind was manifested, from dogged insensibility, to the most ghastly terror. Most of them chanted with the priests incessantly, and with the utmost vehemence, as though all preparation for the awful change had been deferred, until this, the last moment; while two or three seemed utterly insensible to their dreadful predicament.

Priests gathered around them, tremblingly alive with holy zeal and anxiety to extract from them signs of repentance, and faith in the Redeemer, but in vain. No sound escaped their lips, while their countenances as they glared around upon their companions, the soldiers, and spectators, expressed nothing but mingled ferocity and contempt.

They were now bound tightly to the stakes, as they sat, and a white cap was drawn over the upper part of the face of each, but the captain's, who remonstrated against this; saying that he, by whose hand so many had died, should not be afraid to face death himself. At the word of command now given to the soldiers, they advanced three paces, which brought them within ten feet of the prisoners, before each of whom was one of the files of three.

The priests now withdrew. Most of the spectators gazed upon the spectacle with breathless intensity, and fixed as statues, though some crossed themselves, while their lips moved as if in prayer for the souls of the wretched culprits. The word was given, I heard the fatal click of the locks of the muskets, saw them levelled, three at the head of each prisoner, and shut my eyes. In an instant the volley pealed forth, and a low husky murmur of horror rose around me. I did not open my eyes upon the scene of blood. I could not, but hastened from the ground as fast as possible.

THE NAVY.

It is now too well settled, that a Navy is an essential arm of the public defence, to make it necessary to offer any arguments in favor of its being kept on a respectable footing in peace as well as in war. The character it established by its conduct in the late war with Great Britain, and its well known usefulness in times of peace, have too firmly fixed it in the good opinion of the public, to be in danger of losing the support of any man, who desires to see the honor and glory of American independence proudly maintained.

The organization of the Navy, however, seems to have been a matter of chance. And although, as far as depends on the Navy Department, every thing appears to have been done by the Secretary, which the means at his disposal enabled him to do, yet no system has been adopted in relation to it, except such as has grown out of executive regulation.

A navy, like an army, must have organization; there must be general and staff officers, of all the various branches of the service, both military and civil. True, there is a navy board, composed of officers of talents and experience, and as far as circumstances permit, they render important service; still, their functions are rather *civil* than *military*, and although officers of the *highest* rank, they, as commissioners, have no command; they control nothing relating to the discipline of the navy; they have but little military patronage, and indeed, but little power of any kind. With whom then, does the great, military conduct of the navy reside? Who orders general courts martial, and decides on the sentences of such courts? Who arranges the expeditions, and directs the manning and fitting out of fleets, squadrons and single ships? As there appears to be no commander-in-chief, we presume it must be the Secretary of the Navy, a civilian by his station, selected from those who, from their political influence and talents, are suitable for the purposes of the cabinet, and for the direction of great national concerns. To such selection there can be no objection; and it is believed, that no disadvantage can accrue, from the circumstance, that the Secretary is not practically a nautical man, provided he be a gentleman of elevated character, of sound judgment and decision; on the contrary, experience has shown, that with an individual of such a stamp at the head of the Department, vigilantly watching over the general concerns of the navy, its economy, promotions and appointments, and the suitable and profitable employment of all connected with the Department, whether belonging to its civil or military administration, the great interests of the service will be promoted. But in order to render the services of the Secretary of the Navy more efficient, he should be relieved from the details which properly belong to the military administration, as well as many of those duties which belong to civil concerns. But, it will be asked, how is all this to be accomplish-

ed? Our answer is, by a proper organization of the officers, and arrangement of the several duties to be performed.

1st. Let the senior officer of the navy be assigned to the general command of the naval forces, whose duty it should be, to give all military orders concerning the discipline of the officers and men; all orders for general courts martial, and to act on their sentences, except where the punishment would go to affect the commission of an officer, or the life of an individual, in which case he should submit the proceedings, with his remarks thereon, to the Secretary of the Navy, to be laid before the President for his determination and orders in the case.

2d. Let an officer of the rank of master commandant be selected, to be to the navy, what the adjutant general is to the army. He should have all orders of a general nature, printed and distributed among the ships and officers for general information; all reports, and requests for courts martial, leaves of absence, furloughs, and indeed all the military correspondence should be addressed to him, as the channel of communication to the commander-in-chief: in his office, all returns and reports should be recorded and preserved; the register of the officers and petty officers, and the roster for duty should be kept likewise in his office; and, in a word, every thing connected with the history of the navy.

3d. Let as many bureaus be established, as there are navy commissioners, (if they be continued) with separate duties to each. Let one attend to the equipments and contracts for supplies, and the purasers' department; let one superintend the construction and repairs of vessels, dock-yards, &c., &c., and one the ordnace and ordnance stores, &c., &c.

There should be, also, a principal surgeon to superintend the Medical Department, both as it regards supplies of medicines, instruments, &c., and the distribution of the surgeons and assistant surgeons, as well as the examination of the candidates for appointment in that department.

Every officer of the navy should have some appropriate employment. A certain number should be employed at sea; a certain number in the navy-yards; a certain number on the recruiting service; a certain number as inspectors of ships on their departure and arrival, to verify the *role d' équipage*, to see that every thing be in perfect order on the sailing of the ships, and every thing accounted for on their return. Thus would every officer be constantly on some duty connected with the naval service, either at sea or at home, thereby making him acquainted with his official duties, familiar with the officers of government, and with the rules governing the naval establishment.

As it regards the marine corps, it would be better to make it a regiment of the line; and authority should be given to the Secretary of the Navy to call for a certain number of officers and soldiers from the army, to perform the duty of marines. This change would give a wider scope for the selection of young and active officers and men, and the service, being taken in rotation for two

or three years at a time, each regiment furnishing its quota, would be sought after with avidity; while the opportunity thus afforded to visit foreign parts would, no doubt, render it both attractive and agreeable to the army. No officer of higher rank than captain, should be employed on marine duty, either on board of ships or as guards for the navy yards.

The young men entered for the navy as midshipmen, should be educated at the military academy at West Point, where every branch is taught, essential to be learned by a midshipman. The Secretary of the Navy might appoint any number of cadets, equal to the probable wants of the service. Let these remain at the academy two years before they are called into the naval service, by which time they will have gone through the whole course of mathematics and French; then from the most prominent appoint the required number of midshipmen; let the remainder continue their studies in common with the other cadets and fill up the vacancies. They may be appointed at 14 years of age, and go to sea at 16; at all events, they should be allowed to acquire all the knowledge and instruction possible, at the academy. Thus blending in the beginning the officers of the army and navy, it may be expected that they will, when pursuing their studies together, form friendships, that, at a future day, may be the means of strengthening the moral obligations to serve their country without jealousy, when called to act in conjunction, on one and the same service.

M.

RAMBLING NOTES ON SEA AND SHORE.

On the morning of the 18th July we made Cape Frio, on the coast of Brazil, a bold, projecting neck of land, south of and sixty miles from Rio Janeiro. This is generally the first land made when steering directly from the United States to Rio. It is memorable for the loss of the English frigate *Thetis*, that ran ashore here a few years since and sunk, with two millions of dollars on board. By evening we came in sight of the revolving light upon Razor Island, at the mouth of the haborr, but the wind dying away, we were forced to give over our purpose of entering that night. I rose early; the sun was just paying his morning visit to Lord Hood's Nose, (a famous mountain abreast of the harbor, resembling very much a man's head, and called Hood's Nose, in honor of the celebrated English navigator of that name.) In a couple of hours we were up with Razor Island, but the land breeze blowing directly from the entrance of the harbor—as it always does until noon—prevented our getting up

till the sea breeze should set in. Whilst lying off and on, we perceived signals making from the American flag ship Lexington, Commodore Woolsey. We answered them by running up our No. 48, so that the Commodore at once knew our character and name, though twelve miles distant. This is a very convenient way which men-of-war of the same nation have of recognizing each other, though at a considerable distance. Every ship in the Navy has a certain number; flags of a particular shape and color answer to particular numbers; and these hoisted give the desired information. So it is in harbor; when any ship in the squadron wants orders from the Commodore, or wishes to know, for instance, whether she may send down royal or topgallant yards, or perform any other little nautical manœuvre, she has but to run up particular flags; they are answered by the flag ship, and thus the tête-a-tête is ended. This is what the sailors call *talking bunting*.

The entrance to the harbor of Rio is about a mile wide. On one side the high, towering Sugar loaf lifts its almost perpendicular sides to the clouds, a lower tier of which perpetually crowns its barren head. This Sugar loaf is one immense, isolated rock, 1200 feet high, said to have been inaccessible to every body save an Englishman; who, by some mysterious means, surmounted it, and raised thereupon the flag of his country, as a proud signal of the exploit. But rumor affirms that he lost his life for his temerity; whether he fell from the rock into the deep beneath, or was felled by some hired assassin, is not, nor probably ever will be, known. On the other side of the entrance is the fort of Santa Cruz, built upon the solid rock, of considerable extent, and if properly managed would be impregnable to the united fleets of Europe. As we passed the fort we were hailed, but the breaking of the surf against the heavy walls of the battery, prevented our hearing what was said, notwithstanding our first lieutenant, with great naiveté, gave them through the trumpet a scrap of Shakspeare, well reasoning that his English would be quite as intelligible at the fort, as their Portuguese was on the poop. We soon passed by, and a little way ahead saw a large ship at anchor, with a great number of women on board, which I afterwards learned was a transport from England for Botany Bay, with four hundred female convicts. Good God! what manner of sustenance must these unfortunate women have had in their own country, that they are forced into criminality to prevent starvation! Or, what must be the political and moral turpitude of a people who, out of one small island, can offer four hundred females to be sacrificed at the altar of prostitution; and when ruined in character, broken down in constitution, by travelling for years the rounds of libertinism and dissipation, in that common purlieus of nations, London, are now *mercifully* sent adrift on the world's wide waters,—those who are weak to die, and those who survive to produce, in due time, a race of demi-cannibals, to the great edification of the *Christian* world; thus happily opening an additional field for missionary labor, and a new source for pious expeditions!

We passed right under the stern of his Britannic Majesty's seventy-four gun ship *Spartiate*, Admiral Seymour, and in so doing one of their fifers struck up our lively national tune *Yankee Doodle*. A boat from Commodore Woolsey came alongside with an order to anchor on the larboard bow of the Lexington, which we did in fine style, and in a few minutes afterwards saluted the Commodore with thirteen guns, which he returned with seven. Thus, after a passage of forty-nine days from New York, in which we sailed seven thousand miles, and crossed the Atlantic twice, without a single accident to man or spar, we let go our anchor in Rio Janeiro, on the 19th of July.

The city of Rio Janeiro, as all the world knows, is the capital of Brazil; it is built at the outlet of a bay 100 miles in circumference, studded here and there with islands fertile and evergreen. The city contains about 100,000 inhabitants, including the suburbs Botafogo, Gloria Hill, &c. It is built of stone, the houses from three to four stories high, the streets very narrow and long, wearing an unpleasant and sombre appearance, produced by the wide spreading and clumsy verandahs that disfigure almost every street. Like the generality of Spanish and Portuguese towns, it is extremely filthy, and for the want of those great and indispensable conduits in cities, to wit, *sewers*, the streets become the common receptacles of excrementitious abomination and filth. The slave population—and it is very considerable—is altogether more wretched than any thing my imagination could have previously depicted. The state slaves are driven through the streets, yoked together by dozens, with a necklace of iron, almost as delicate and slender as our *chain cable*, and each carrying on his head a ten gallon breaker of water. All slaves are in a perfect state of nudity, with the exception of a small dirty rag about the waist; and the noise which they make, when departing in droves from the public fountains, gives the most perfect idea of a Pandemonium that can well be imagined.

The Emperor's Palace is in full view from our ship; it is directly opposite the only landing place for boats on the beach. I have paid it a visit. Its being a palace is the only thing which recommends it even to a passing notice. It formerly was the residence of the Viceroy, and for such a dignitary good enough. The building is a parallelogram of about 200 feet in length and 150 in front. It is unenclosed, but contains a fine court yard in the centre. On one side is the Senate house, (the house of Deputies being a mile distant in the Campo d' Aclamação,) and on the other, a splendid church, belonging to the Carmonite Monks and adjoining the beautiful little imperial chapel. It is said that this chapel was built by the late Empress of Don Pedro, in consequence of a vow made to the god of *Fecundity*. The story was thus—she had been married some time without becoming a mother, and in a fit of united piety and philoprogenitiveness, vowed, that should she be served as Sarah of old was, she would build a church on the glorious occasion. Her prayers were heard—she became a mother, and

as truly did she build this pretty little church as commemorative of the miraculous event. This story is figuratively told by six or seven statues of the Empress, placed in the church in appropriate niches, on the right hand side as you enter, beautifully modelled and richly decorated with diamonds. All are arranged in the delineating style of an accoucheur—showing progressively the different stages of pregnancy, from the first gentle swell of the uterus, to the more gradual development of the abdomen, until the last one, as you approach the altar, finishes the scene, by presenting the Heavensent babe, full of infantile beauty and plumpness, in the joyous arms of the certainly handsome and modest young Empress! No person may deny but what this is a perfectly *natural* scene, and also a truly modest one, to those who are accustomed to look upon it as a *miracle*, rather than a mere picture of *uterine gestation*. But in a country like the United States, where a rigid code of delicacy obtains, certain things would be viewed with horror, that in another country are looked upon coldly, as capable of exciting neither animal sensibility or latent curiosity. In fact, *local custom* is the only true standard of delicacy; and as every country has its different customs, so has it also a different scale of modesty and peculiar notions of social intercourse. Take, for example, two ladies—one a North, the other a South American, equal in their country's refinement and cultivation of mind. Yet, I dare affirm, both would be simultaneously shocked at each other's want of delicacy upon certain and many occasions. Generosity, truth, gratitude and honesty, are intrinsically the same all over the world, but that which we understand by the name of modesty, or female purity of action, varies with latitude and climate, and in fact is almost in a great measure provincial in its meaning and definition. And the South American lady, who jumps into her saddle and rides on horseback like a man, with a *poncho* thrown gracefully over her shoulders, may have as lofty notions of true delicacy, as she who sits all upon one side, and has three yards of blue cloth superfluously dangling round her pretty ankles!

Whilst standing in this church, and looking with a delighted eye upon some truly splendid and masterly scriptural paintings, a *corpse* was brought into the aisle and laid near the altar. The friends of the deceased arranged themselves upon each side, all the way from the door to the altar, (no female was present, as I have elsewhere observed upon many like occasions.) Wax candles, weighing at least ten pounds each, and six feet long, were lighted and handed around. I amongst the rest was complimented with one, by a laughing negro, who actually forced it into my hand, and there I stood in a very awkward attitude—a living candlestick—in the midst of strangers, taking a part in a ceremony entirely new to me, and of which I had not the slightest comprehension. The priests made a grand entré from the *sacrista* in the full splendor of sacerdotal attire—some with the service books in their hands, and others bearing massive gold and silver *censers*, that sent forth in downy clouds the combined odors of myrrh and frankincense. The pall was removed;

the coffin was opened, and holy water sprinkled over the satin robes of the dead. The coffin itself was a picture of affluence, covered with black silk velvet, secured at the corners and mounted with heavy gilt plates. The 'De profundis' was now commenced; unfortunately, I have a too sensitive ear for every thing like discord in music. I was completely tortured to hear that beautiful and most impressive ceremony of the Catholic church, cruelly martyred by the squealing treble of a long-visaged, snuff-taking Padre, and the grunting bass of some half dozen superannuated Carmonite monks. If there is any thing in this world that carries a soul in extacy to the Throne of Heaven, that sublimes all the grosser particles of our nature, and leads us to feel that we shall have an existence hereafter, it is the full-swelling, sweet-sounding notes of a church organ, accompanied with the angelic voice of devout woman. Such moments to me are the quintessence of existence; I always leave the church with a reverential awe, and a resolution to become a changed and a better man. And such resolution I doubtless would maintain, did not the grating sounds and rough notes of the world's chicanery and plodding business, immediately break upon my ears, overturning the fondest hopes and producing nothing but discord, turmoil and confusion!

The censers continued to send their aromatic halos round the withered remains of the old man; but in a short time the singing, to my great satisfaction, ceased—the candles were removed, and the coffin raised up and carried to the rear of the church for interment. I followed—we came into a rather large court-yard—I looked around me for tombs or for the grave, but saw nothing of either. The priests carried the body three times round the enclosure, and at last, to my great surprise, deposited it in a niche in the wall—barely large enough for the coffin—and here, with hammer and trowel, the *mason* was to complete the interment. This was a species of burial I never before had witnessed, though it is common in many countries; and, what with the apparent levity of all concerned, (for the Brazilian's exhibit but little grief on such occasions) the cooping up and making part and parcel of a *wall*, that which a few days before contained life, vigor, and perhaps beauty—I had a sorry picture of that sorry animal *man* presented to me. The hollow sounds proceeding from the grave, when the first shovel full of earth is thrown on the lowered coffin, have always entered my soul as the melancholy music of the tomb—melting all the milder passions of the heart, harmonizing even the sounds of sorrow, and raising the mind to the adoration of that great and incomprehensible power, that giveth and taketh away life at pleasure. But the putting the coffin upon a white-washed stone shelf, like a plate of preserves in a pantry, had something in it so *gravely* ludicrous, that it banished every thing like solemnity from my mind. The corpse is left in this little box till all the soft textures of the body are dissolved; the bones are then taken out, *burned*, and the ashes put into an *urn* as large as a good sized snuff box; and some other body soon again occupies the same little stone shelf in the wall!

Man has many strange fancies, and amongst the number, though not the least, is that of choosing his last resting place. 'Tis pleasing to the imagination of some, to have their last berth along side those of their forefathers, under the lee of the ivy-bound, old church steeple, or perchance be carried into the family vault, and be deposited on the coffin lids of their great-grandmothers. Those again of the romantic *die*, would wish for some sunny spot on the mountain's side, or green grassy plot in the lonely dell, with the weeping willow as a solitary watchman o'er their heads. But as for me, who have spent much of my life at sea, give *me* the ocean wave for a shroud, or my hammock for a coffin. *There* no stone could be raised to tell of my faults or my virtues; no eye be taxed, or tear of sympathy shed o'er my grave. I could calmly lie upon some pearl-paved bed of the deep, with the cargo of a jewel ship, perhaps, for a pillow! And if, as it is said, departed spirits are wont to hover round their bodily sepulchres, I could float pleasantly about mine, untainted as they would remain in their briny bath; and not be obliged to carry a lump of camphor in my hand; like those common earthly ghosts, who out of mere politeness, or for old acquaintance sake, are constrained to visit their *church yard* scraps, and become entirely disgusted with the effluvia of their once much admired beauties.

But to return to Rio. It is probably known to most readers, that Bonaparte sent the court of Portugal, King John and his wife inclusive, a packing to Brazil. So John unquestionably was the first European monarch who set foot upon the American continent. He made Rio the seat of government. During his reign the court of Brazil was proverbially one of the most licentious upon earth. John himself was the grossest libertine and stopped at nothing to satisfy his animally sensual passions. A curly headed, yellow skinned gentleman was pointed out to me in the street as the result of one of his amours with a slave! He was gaily dressed, nice hat, fine cloth coat, but neither *shoes or stockings*! The reader may not be aware, that *slaves* are not permitted to use boots or shoes in Brazil; the want of them is the grand distinguishing mark between the bond and free, and his tawny princeship having been born amongst the former class, he of course could not wear them, not having as yet, obtained either freedom, or *letters patent of nobility*! It may be asked, why John did not provide for his issue in a more bountiful manner? He did so at his death, by legacies and annuities. But the *affectionate* Don Pedro, on his accession, cut them all short, declaring that were *he, Pedro*, to set so evil a precedent as to continue the support of his father's b*****s, his own son would unquestionably ruin the state by having to maintain what he should leave. A very prudent and praise worthy decision, methinks.

King John's wife, the good Queen herself—peace be unto her ashes—was, after all, nothing more than flesh and blood—and, as a consequence, frail and disposed to all those little infirmities that woman is heir to. That she had flirted with Lucien Bonaparte, when he was his brother's ambassador at the Court of Spain, is

notorious ; that Don M****l is the fruit of that flirtation, is also as generally believed. And reasoning from analogy, it may be fairly presumed that on her arrival in Brazil, she continued in the full exercise of those little weaknesses, that in the old world had made such a gratifying addition to her family and domestic comforts. She was very plain in her *habits*, and would frequently condescend to put on a maid's dress and stroll out in the city alone of an evening, incog ; and should a stout, handsome, young fellow offer his arm and protection to the lonely lady, she was certainly too well bred and polite to refuse either ; but from that hour, the young man would undoubtedly have some occupation or other round the court. In this manner she collected a troop of fine looking young fellows for body servants, and as it assuredly was the duty of a good mistress, so she saw that their persons and comforts were well attended to. But " *de mortuis nil nisi bonum*," so peace to her ashes.

" It ill becomes thee, Christopher, to meddle thyself with women's concerns; thou knowest well how ticklish they generally are, and how badly they bear handling,—so spring your luff, my lad, and come round on the other tack as soon as possible."

" Aye, aye, sir, and here am I again, close upon a wind, with the virtuous Don Pedro under my lee." The late Emperor Don Pedro is a perfect compound of eccentricity, avarice and licentiousness ; added to which, he is deeply tinctured with all the little minor vices that, though not exactly sufficient to damn a man, have notwithstanding all the desired properties of rendering him completely odious. In early life he married into the house of Austria, a sister to the wife of Napoleon, and a woman in every manner qualified to render a good husband entirely happy. She was kind, conciliating and charitable, with a cultivated mind and irreproachable purity of conduct. Her person was elegant, and her attachment to Pedro not one of mere formal origin, as the generality of regal connections are ; but she really loved him, for himself, and adored his fine and graceful figure with all the ardour of a young and enthusiastic heart. But even with so much grace and goodness, the fickle heart of Pedro could not be kept within the moral bounds of matrimonial restriction. He became cold and distant. He wandered from the royal bed of a virtuous wife, to the crimson couch of a tainted and dissolute courtesan. He looked upon, with a diseased fondness, the spurious and doubtful offspring of a purchased union, and to finish the work of his own brutality, actually brought an illegitimate daughter into the palace, had her placed in the royal nursery, and forced his poor heart-broken Queen to fondle the br*^t and watch over it with a mother's care. She complied—urged on by a benevolent heart, to what appeared a deed of charity, and withal broken down in spirit and ruined in happiness. She was no longer her once proud self; she spurned not, as she should have done, both the disgraceful proposition and the proposer, but blindly, weakly, and, as the result shows, *fatally*, complied. She had been pregnant with the fourth child, when one day sitting in her apartment, with this little apple of discord playing on the carpet, Don Pedro entered and in-

formed her that he had just determined upon ennobling this illegitimate child, and thus in a measure placing it on an equal footing with those of the Empress. Upon hearing this disgraceful news, she burst into a flood of tears, the little girl immediately ran to her and affectionately put her arms round the neck of the Empress, calling her *mother*; but she pushed the child from her with some maddening epithet, which so enraged the heartless Pedro, that he actually kicked her in the *abdomen*, and she died in consequence of this violence a short time after. Her melancholy, and at that time mysterious, fate was universally regretted. But Don Pedro soon forgot her loveliness in the embrace of a brothel-made countess, whom I saw last night at the theatre in all the gaudy glory of a once royal courtezan—her hair one dazzling blaze of diamonds—perhaps the very same jewels that adorned the bridal suit of the late empress—whose bed she so long had surreptitiously occupied.

In pecuniary matters Pedro was a miser. He was also a monopolist, and bought and sold goods, merchandise, horses &c.; so that, what with trade and a grinding, screwing system of policy, he contrived to amass that immense private wealth, which now supports his army in Portugal. Female beauty he regularly bargained for and bought, always, however, with a characteristic caution that it cost not much; so that even in the pursuit of pleasure he was invariably sordid and mean. An anecdote is told of his once having become passionately enamoured with the daughter of one of his ministers. He conveyed a private request to her, that she would grant him an interview. She consented—appointed the *place of meeting*, her father's house—the *time*, next night—*condition*, that he should present himself incog. and unaccompanied at the door, where he should be joyfully received. In the mean time she acquainted her father with Pedro's purpose, and her designs. He entered warmly into her plot, and both father and daughter made due preparation for the Emperor's reception. The night came. The Emperor alone, and muffled up in a military cloak, stealthily bent his way to the lady's house. He knocked, the door opened, and the black-eyed Portuguese beauty took him gently by the hand; he whispered her silence, and with a fluttering heart of joyous anticipation, bade her lead the way to her chamber—softly and silently they stole up stairs—she put her hand to a door—it opened—but lo and behold! in place of a snug little closet and silky couch, a splendid saloon was presented to their view, brilliantly lighted up and full of company. All eyes turned in surprise to the muffled Emperor. The old father stepped forward, did homage and thanked, in the warmest terms, his sovereign for this unexpected and gracious visit. The band struck up—the window shutters were thrown open, and the whole house illuminated in a moment, as is the custom, when the monarch condescends to visit a subject.

There Pedro stood, full of amazement—motionless as a statue, and silent as a corpse; but it may be easily imagined what a precious pickle of chagrin he was in. The fox was completely entrapped, the expected nectar dashed from his lips, and now expos-

ed to the sneers and silent ridicule of all present. His disposition, never the mildest, was worked up to phrensy ; and when the old minister offered to lead him to a chair of state, especially prepared for the occasion, his choler became ungovernable ; he swore, kicked the old man, and flew out of the house, disappointed, mortified and humbled to the dust. He had not magnanimity enough to overlook and pardon the *ruse* of the young lady, but next day dismissed the minister, who ever after suffered from his displeasure and resentment.

We decline following any further this licentious monarch, through the intricate mazes of his iniquitous debauchery. A tyrant in prosperity is a coward in adversity. So Pedro proved to be on the appearance of a little public commotion against him in Rio. He pusillanimously abdicated the throne, and, under the cover of night, fled with all his wealth on board of an English man-of-war in the harbor, and set sail for England.

His son, a little white headed boy, is the present Emperor. He may be seen every afternoon, from the balcony in front of the palace, dressed like boys of his age, in a blue jacket and trowsers—his arms carelessly dangling over the railing, *catching flies or eating candy*. The government of Brazil is at present conducted by a Regency, with a soldier of fortune at the head, Gen. Lima, who, however, is the mere tool of a plotting, deep thinking, and ambitious man, the Marquis of Barbacena. Every thing is apparently ripe for a revolution, but courage, and that alas ! I am informed is green, very green. The native Brazilians invariably wear green cockades in their hats, as tokens of their nativity and a distinguishing mark from the old Portuguese who are not allowed to wear the badge, and between whom there appears to be an irreconcilable hatred. In a few words, and as a general characteristic that will hold good in most cases, the whole population of Brazil are lazy, superstitious, ignorant, unsociable and jealous of strangers, whom, from a fear of exposing their conscious want of refinement, they never admit into their social circles. But happily and equalizingly ordained by Providence, that the want of all the finer qualities of mind and manner, is in some measure recompensed by the possession of the richest soil, the most grand and majestic scenery, and the finest climate upon earth.

CHLORIDE OF LIME AND SODA.—Dr. Kearney, Fleet Surgeon of the West India squadron, in an official report to the Secretary of the Navy, states, that

“ The efficacy of the chloride of lime and soda has continued to assure me of their great utility as powerful auxiliaries in maintaining a sound condition of air between decks, and preserving its purity by neutralizing those morbid exhalations which are more or less frequent on board ship, in all hot climates. I attribute to the free use of these disinfecting agents a great share of that immunity from sickness, with which we have been so long and so greatly favored. No case of death has occurred since my last report to the Department, and, with the exception of two or three invalids, who are subjects for the hospital, no complaints exist on board this ship.”

FIRST CAMPAIGN OF AN A. D. C.

No. 11.

When the expedition from Fort George began to move down Lake Ontario, a thousand anxious enquiries were made of the weatherwise residents of the frontier, as to the meteorological character of the seasons; whether, in particular, October were generally a calm and pleasant, or a boisterous and disagreeable sort of a month? The answers were almost uniformly favorable—as answers are always likely to be when the balance is about even, and facts, so far as they are remembered, are not decisive either one way or the other. The strictest adherents to truth—those who made the best muster of their recollections—were pretty sure of at least half the month; being of opinion, judging by the past, that we might flatter ourselves with quiet waters for a week or two to come. We did not ask a greater dispensation. In less time than the most scanty predictions allowed us, we were almost certain of being at the other end of the lake, with all the storms in our rear, free to bluster and pelt, without much chance of interfering with the expedition. We therefore encouraged ourselves with the comfortable assurance, that our ways were to be made ways of pleasantness, and that we were to glide down the shore to our destination, no winds to hurt or make us afraid. And the first day of our voyage did not tend to cloud our bright hopes. Each brigade of boats probably arrived at its destined resting-place, with no other difference in time than what may have resulted from the more or less vigor with which the oars were pulled, or the more or less canvass they had been able to spread. The quantity of the latter had depended something on the success with which the 'game of grab' had been played, each regiment having been left pretty much to its own resources for the supply of such *et ceteras*.

Big Sodus is a beautiful little *cul de sac*, about a third day's boat-voyage down the lake, which invited us to enter one evening, when the lowering heavens gave token of a stormy night. Our Durham passed through a narrow strait, which seemed unfitted to accommodate a larger boat, when we found ourselves suddenly in an expanded haven, where seventy-fours might have found elbow-room, provided the soundings were of an answerable depth. We soon struck the beach, in front of a few houses, whose bright lights and sounds of merry-making led us to believe that our coming was at an auspicious hour, and that we were about to make amends, both in respect to board and lodgings, for the hard fare which fell to our lot under the roof of our patroon. But previous comers had occupied the ground before us. The harvest of eatables had been reaped, and left the gleaner but slender fare. The bone-polisher alone stood a chance. Nothing but potable entertainment re-

mained—of which we were always sure to find an abundance every where, laid in with a provident care, as if grog were the staff of life. Our precursors, having appeased their hunger, were then engaged in assuaging their thirst—an appetite that ever grows on what it feeds on. They were already in that state of exhilaration, which makes one relish a joke; and they triumphed in our disappointment at the exhausted larder with unmerciful glee.

Fortunately, the moon shone out about that hour, and seemed to certify that the prognostics of the evening were not to be fulfilled. Thinking that a three hours' sail to Oswego, by the light of that planet, would be preferable to a sojournment among such hard fare and harder jokes, our Durham, with the barge in tow, was, just after midnight, steered once more out of the narrow mouth of this estuary. When we were again in the lake, we found the wind fresh and fair, and began to run down the rocky shore with most auspicious promises. We soon, however, perceived that the experienced eye of our patroon was occasionally cast astern, as if he saw some indications there more threatening than he had looked for; and it ere long became obvious to more eyes than his, that what had been a breeze, would shortly be a strong wind, with every likelihood of capping the climax by a gale. All were now in favor of putting back to the Big Sodus, the empty larder and hard jokes notwithstanding. But the patroon said it was more desirable than practicable. His boat, though a bird before the wind, was a snail against it. There was no alternative but to go ahead.

The shore from Sodus to Oswego is what is called an '*iron-bound*'* coast—that is, it has a perpendicular wall of *stone* nearly the whole distance, which is as inaccessible to a boat as the side of a house, and sets all landing at defiance during a high wind, when it is literally in the suds, and likely to involve all intruders in the same. Our situation was, therefore, one which required the exercise of all that philosophy that consists in enduring what admits of no curing. The wind blew high and blew strong, and handled the barge in tow as if it had been an egg shell. We eased off the line and gave it full swing; still, when the gust took it on the top of a wave, while the Durham was for a moment becalmed in the trough below, it would shoot ahead with such accelerated velocity, as to threaten a dash into our stern. The patroon, anxious to avoid such a breach in his property, recommended that the barge should be cut adrift, or that a man should be put on board to give it a sheer, in such cases, of a design to overhaul us. The first part of the suggestion was the only one that could be listened to, as no thought was harbored to order a man to peril his life for the sake of the barge. But there was a corporal on board who had an intrepidity not wotted of before. He at once volunteered to embark his fortunes in the barge; and before any reflection was

*A Quaker once called an officer's coat, which was much stiffened with lace, '*an iron-bound coat*.' The term is equally applicable in both cases.

make on the offer, the tow-line was hauled in dexterously, so that, taking advantage of a comparatively still moment, he was able to leap into the stern-sheets. Just as the corporal did this, and we were beginning to ease off again, our double-nose pointer, either from an instinctive wish to quit a sinking ship, or a desire to follow one who was in the habit of caressing and feeding him, likewise made a similar leap, before any hindrance could be made, and was swung off far astern to share the perils of his friend.

Our patroon had now reduced his canvass to the minimum reef, appearing to present little more than a half-handkerchief to the wind; but it was hold enough to hurry us along with alarming rapidity. The big waves came rolling after us, as if angrily bent on our destruction; and we began to regard the wide-mouthed hatchway of the Durham with a strong wish that it had a lid which could be shut down. Under such circumstances, a hole on top seemed to be nearly as bad as a leak underneath; it being quite immaterial whether we filled from above or below, provided we must be filled.

Abundant reason, however, as we had to think of ourselves, we soon forgot the Durham and all it contained, in our increasing apprehensions for the corporal and the pointer in the barge. Bad as our situation was, it seemed to be security itself, compared with theirs. The winds were now thrice as high as when they had embarked, and whenever one of those seas, the captains of the watery host, came sweeping on, the light barge, being the first to mount its crest and catch the onward impulse, would shoot so far ahead, as even to come abreast of us, before the Durham seemed to feel its influence. The corporal, aware that his best chance consisted in keeping clear of our stern, sat like a statue, with a tiller rope in each hand, and gave us a wide berth; watching the tow-line, as he again rapidly receded to his place, with a fearful apprehension that it would each time snap asunder, and leave him and his companion to their fate. Another big wave approached, and lifting up the barge high above us, sent it ahead, like a shuttle, almost beyond our bows. Self-moved, and as if urged by a strange spirit of rivalry, it seemed to be leaving us behind. The moon cast light enough through the broken clouds to give us glimpses of the corporal's face, which was pale as marble. He sat immovable, too, like a stiffened corpse; while the dog, with his fore feet on the seat, and his head just above the gunwale, seemed to be equally horror struck at the unaccountable rapidity with which they were moving over the face of the troubled deep.

The experienced eye of the patroon saw at once all the danger and the only remedy. He called on all the spare hands to seize the tow-line, while the advance of the barge left it lying slack on the waters, and haul in. The call was promptly answered; every muscle was strained to the utmost; and in a few moments the barge was brought alongside the Durham, which it struck with a concussion that appeared to throw both corporal and pointer into the midst of us, with scarcely any effort of their own. The instant they were

perceived to be safe, all farther care of the barge was abandoned, and permitted to fall astern *ad libitum*, being soon brought up by a jerk, that snapped the tow-line in two, as if it had been a piece of bobbin-tape. We saw it a few minutes dancing on the waves, when it disappeared in the shadows of distance.

The pleasure which we felt at the rescue of these two creatures from almost certain destruction, still suppressed, for a while longer, much consideration of our situation, which was becoming nearly as critical as that in which the barge had been placed. It might soon prove, the corporal and the pointer had only jumped out of the frying-pan into the fire. Indeed, we began to think it would have been better to have left the Durham for the barge, than to do as we had done. The buoyancy of the latter insured it a place on the surface of the waters, even if it filled; while the former, in such a predicament, must inevitably go down; and such a predicament did not appear to be far off. The waves were heaped up now so as to overtop our low craft, and threaten to roll over us as if we were a log floating on the surface. How they managed, just at the opportune moment, to slide under our stern, and lift us up on their crests, instead of overwhelming us, was constant matter of surprise and gratitude with all on board.

At last the day began to break, terminating a night which seemed to have been of a polar length. Dangers when seen are much diminished. Darkness is a wonderful magnifier of such things. We now saw the shore distinctly, and also that Oswego was not far ahead. To enter the river with such a sea running was not a prudent measure, but to stay without was still less so. The surf was rolling over the bar with all the foam of a mill-tail, and had a most formidable appearance. But there was no time for reflection or delay; to dart forward and make the best of chances was the only alternative. Our patroon, therefore, dashed into the yesth tumult, and went through it in safety.

Oswego, under the circumstances we entered it, seemed to be a charming place. It contained a few frame houses, and afforded such tables and beds as, by contrast, made us appear to fare sumptuously the two or three stormy days we remained there. During all that time the surf continued to crown the bar, and blockaded us as much as if Sir James had been there. Those who felt responsible for delays, and knew that all reprimands for them would fall on their shoulders, were very impatient, and often gave broad hints of departure, the surf to the contrary notwithstanding; while those of us who were independent of all cares, and whose thoughts seldom overshot the present moment, professed to believe such a step the height of imprudence, and remonstrated continually by shrugs of the shoulders and shakes of the head. Our situation was truly provoking. After the first day, the sun shone brightly, and the lake was calm enough for our purposes. It was calm within and tolerably calm without, but the devil of a surf was still to pay between. Scylla and Charybdis appeared to have locked arms there, leaving no passage, however narrow or perilous, between them.

At last, however, we ventured forth, with such of the flotilla as had taken refuge in the same place. Where the rest were we knew not, but concluded they were hither and thither, ahead or astern, wherever the gale had struck them. Hoping that the bright skies then smiling on us would bring them all out, and send them on their way again rejoicing, we ran down the shore in a most prosperous manner, until we reached the Bay of *Mexico*; at least such was the name according to our patroon's geography. What resemblance may have been seen by those who gave this name, between these waters and the tropical gulf of the same name, may be difficult to conjecture. It was probably, however, the same perspicuity which suggested the names of Paris, Moscow, &c., to certain places in the interior; places as much like their prototypes as a tuft of moss is like the *jardins des plantes*, or a log hut is like the Kremlin.

We were going on so pleasantly that even our patroon began to flatter himself that the weather had become settled again, and that we might reckon on such a postponement of the autumnal gales as would enable us to get out of the lake without farther annoyance. But we reckoned without our host. The little clouds that were at first only like specks in the horizon, soon began to expand into enormous masses, covering the whole face of the heavens. The winds travelled like race-horses over the surface of the lake, and so ruffled it in a short time that we were fain to turn our bow towards the shore. In coming into the bay we had been tempted, by the fair prospect, to strike out boldly, in order to cut off indentations, and were, at this time, some eight or ten miles in the lake. We regretted our temerity when it was too late. We had considered the storm which assailed us on our passage to Oswego as being quite as vehement as our Durham could bear; but, if that was *forte*, the one which menaced us now was *fortissimo*. Our patroon, who felt that his property as well as life was at stake, sat at the helm in undisguised alarm. The stern of the Durham was elevated something after the manner of a duck's tail, and gave the quarter deck a roof-like slant, which rendered it necessary to have a *cleat*, against which the steersman, who was obliged to sit down, could fix his feet, to give stability to his position.

While the gale was waxing wroth, most of the soldiers on board were beneath deck among the baggage, sufficiently sea-sick to feel little anxiety to see how things went on above. Two of us had disposed of ourselves where we thought we should least interfere with the management of the boat, having taken a seat on the after-part of the hatchway, with our feet swinging into the hold. We kept our eyes riveted on the shore, some miles off, speculating on the probability of our ever reaching it. Neither of our horoscopes had been calculated; therefore we felt no such assurance of having been born to be hanged, as to relieve us of all fears of being drowned. We had been the inmates of one tent for some time, and had a strong fellowship for each other. It was not the first time we had been side by side in peril; and it was a comfort that we

were sharing the present together, though we both wished, in our hearts, that it had been in the *field* rather than on the *flood*. We said nothing, though, by mutual consent, we kept our shoulders close together, and swung our feet uneasily to and fro in a sort of friendly concert. Our Durham was moving on with prodigious velocity, constantly threatened with being overwhelmed by the big waves; which, however, being unable to surmount its duck-tail stern, curled around underneath, and made amends by coming in over the gunwales, and sending down streams of water among the soldiers and baggage beneath. It was not a moment to calculate quantities with nicety; but it seemed pretty evident that it would not take many contributions of the kind to fill us up to the scuppers.

While we were watching these matters, the general silence of the boat was interrupted by an exclamation of the patroon to "look out!" Every eye was immediately turned towards the speaker, who was seen with his face astern, and grasping the tiller with an energy as if in momentary expectation of an astounding blow. We all saw the object of his solicitude, which was a wave, rolling after us with frightful rapidity and aspect, and loft enough, apparently, to climb the deck of a seventy-four. It was so soon upon us as to leave no time for reflection or preparation. The patroon had his feet planted firmly against the cleat, and his body thrown back in a state of convulsive rigidity, when the watery mass broke against the stern with a shock that would probably have struck the boat down headlong to the bottom in an instant, had not the overhanging crest at the same moment fallen on the after part of the deck, and, by a counteraction, brought the bow up again to its proper level. The patroon was lifted, in a twinkling, bolt upright on his feet; and, had he not clung with an iron grasp to his tiller, would have been swept, with his hen coop, into the hatchway, or over the gunwale. We, who sat with our feet swinging down the hold, felt ourselves suddenly enveloped in water, as by a cloak, up to the shoulders, and wasted below; and one and all, probably thinking the Durham was going, or had already gone, began to cast about for some buoyant accompaniment, which would give a chance for a float to the shore. Those who were nearest to the oars seized one of them; others caught any thing that was at hand, without much regard to its levity; while the soldiers, who found themselves abruptly set afloat in the hold, came rushing forth; one (from the habits of a veteran) with his musket, and another with a camp kettle, which, in his straw-catching haste, he had appropriated as the best life-preserved within reach.

The patroon was naturally the first one to perceive that his boat was still above board, and called lustily on all hands to "bale out." This work was performed with alacrity and good will, but with little effect; as, where one bucket full was thrown out, two or three, or more, came pouring in. We were fast, however, approaching the shore, and each one felt pretty sure, even if he were no swimmer, of getting there, let the worst come, and the Durham slip from un-

der us. But she did not desert her charge. After much buffeting and surging she carried us into Salmon creek, greatly to the surprise of many spectators there, who had for some time set down the rank and file on board as "missing," and calculated that there were just as many "vacancies" in the army as there were commissioned officers in the same predicament.

Salmon creek was already full of boats, and the only house there full of men. As the storm did not promise to be of short duration, it was prudent to look out for a shelter, other than what our tents would afford, for a day or two. We therefore cast an investigating eye into a dilapidated log hut, which appeared to have been consigned to the cattle and fowls, since a newer dwelling had arisen near at hand. The fowls were, at the very moment of our reconnaissance, in full possession, chucking among themselves, as if in congratulation that they had so fine a shelter from the snow and wind which were then driving abroad at so furious a rate; and the cows had left abundant testimonials of a last night's occupation. Necessity is not over scrupulous or fastidious, and we at once, without any regard to rights of prior possession, entered the building with a violent "shoo! shoo!" which caused the whole feathered tribe to make their exit, fluttering with indignation, and cackling a loud remonstrance. It was but short work for many hands to cleanse the Augean tenement; and ere long an ample fire was blazing on the ample hearth-stone, the smoke ascending through a large breach in the roof, unrestricted in its course by any thing in the shape of a chimney. The aperture in the roof being much greater than was necessary to accommodate the smoke, we spread a broad tarpaulin over the rafters above, and thus gave ourselves a canopy against the intrusive storm.

We were satisfied, the next morning, that we were destined to dine in the cow-house, if not to pass yet another night, the lake being still agitated like a boiling cauldron. It was therefore expedient to be on the look-out for the wherewithal for such a meal. Fortunately a turkey, all plucked, &c., happened to light on our threshold, and was easily shot with a silver bullet; and the creek on which we were encamped, true to its name, sent us in the tribute of a fine salmon. These fish were caught just about that time in great abundance. They were on their way up to the head waters of the creek, in order to deposite the spawn for vivification; having come, as it was said, all the way from the ocean to perform this work of increase and multiplication. It was a great shame to trouble them while thus laboriously and beneficially engaged, particularly on their upward voyage. But the fishermen saw that there were many hungry mouths among the military, and they did not scruple to make large inroads on the supply of another season, for the sake of present gain. The salmon which was subjected to the knife of our cook, had some forty thousand eggs within its abdomen, which would probably have been so many fine salmons at a future day. However much regretted this anticipated destruction of life, we did not propose to relish the fish any the less.

It was a cold, blustering day, and its inclemency came in upon us without much let or hindrance. It was therefore an object to have a seat near the fire; but the cooks were, of course, entitled to the first choice; and two of us resolved to become turnspits pro tempore, in order that we might enjoy all their privileges. Accordingly, as soon as the turkey had been suspended by a string before the fire, we took our seats on each side of it, one 'to turn,' the other 'to baste.' The former took his drawn sword, with which he occasionally gave the bird a twirl; while the latter, with a silver spoon tied on the end of a stick, every now and then dipped up some melted butter from a cup hard by, and gently poured it on; both watching the drip with a lazy eye, as, like the oil on Aaron's beard, it ran trickling down the thighs and breast, till it fell spattering into the pan below. It was a slow process, but the appetite had full time to sharpen, and long before the pale yellow coat of the turkey had been converted into a dark brown one, we had dissected and masticated it twenty times over in imagination.

Contemporaneously with this work of roasting, the pot had been busy in boiling the salmon; and just about full meridian, both roast and boil were pronounced in readiness to be dished, when the amateur turnspits retired a space, to give the cooks-proper free elbow room for this important ultimatum. The turkey was easily laid on its back in the dish, almost afloat in a small pond of gravy, contributed partly by the juices of the bird, but more by the melted butter which had been poured upon it in the process of basting. Nothing was wanting to fulfil every requisition of Mrs. Glass but the liver under one wing, and the gizzard under the other. To arrange these according to regulations appeared to have been beyond our culinary art.

The salmon was next fished out of the pot, coiled up in a swathing band, like one of our pointers asleep, with the nose and the tail in conjunction. It was laid in this state on a board, which rested rather unsteadily on a log, which again rested on a ground work of chips, and a variety of small matters, the sweepings of the broad hearth. It was soon evident that some hazards attended the development of the fish, and all eyes were turned in anxiety that way, no doubt much to the embarrassment of the cook's nerves, who felt all the defects of his base of operations. He unrolled the cloth, however, with great care, and had only the last fold to loosen, when the tail, suddenly divorcing itself from the head, upset the board, and precipitated the fish into the offals beneath. Our big bug, who was among the most interested of the spectators, sat, for a few moments, regarding the fallen salmon and the unlucky cook in a speechless ecstasy of anger, while the late amateur turnspits were almost convulsed with a tittering ague.

The cooling turkey, after a short pause, brought all parties to their sober senses; and the salmon, having been deeply excoriated, was served up alongside of it, something the worse for the eye, but none the worse for the palate. The cask of wine, which had been our boon companion from the crossing at Fort George to the

present time, which, with Vorick influence, had often set the table in a merry mood under the most saddening circumstances, was here drawn to the lees; but, when the glass was filled, we did not first raise it to the eye (our faintly lighted domicil forbid all such affectations) to scan its transparency, but carried it direct to the lips, convinced, turbid as it might be, that never better had been drank under that roof. It had been intended that the cask should close only with the campaign, and that the last glass should be drank in Montreal. But inactivity and delays had postponed the conquest of that place much beyond the first calculation; and the outpourings of a tapped cask, like the course of time and tide, are not easily restrained.

ARTHUR TREMAINE.

And should you meet a wild young girl, whose sight
 Creates a something that you can't define,—
 Be very careful of a moonlight night,
 And very careful how you sip your wine;
 Lest you, perhaps, may say more than you might
 Choose to remember afterwards.—In fine,
 If e'er a maiden frail should meet your eyes—
 Of easy, two-fold virtue—don't pursue her!
 Distrust the blandishments—the well-feigned sighs—
 Which she may put in play to win you to her.
 “*Procul este, procul profani vox,*” is
 Translated thus—Keep clear the upper boxes.
Advice to “Furlough men.”

The letter of my father, notwithstanding the haste that it purported to have been written in, exhibited his characteristic vanity and pedantry, and contained, besides, a command which I eagerly obeyed. I cannot truly say that I was tired of the routine of my military duties, for, on the contrary, they were a continued source of novel excitement. But during the period of the encampment, which in other institutions is that of vacation and relaxation from every academic duty, the desire of a “leave of absence” was so strong among the old cadets, that he who was so fortunate as to obtain one, was looked upon by the rest as a person of considerable adventitious dignity, and of envious distinction. I imbibed the feeling and experienced quite an accession to my natural complacency, at the prospect of a short furlough. But the brilliancy of this prospect, was somewhat obscured by the individual to whom it was my duty to apply for the coveted boon.

“*Cadet Tremaine,*” said he, with most provoking deliberation, “you (smack) have been (smack) *reported, I observe.*” (Two or

three smacks and a pause.) " You are aware that what your father has asked of me, is an (smack) *unusual* request, and that a leave of absence is granted (smack) only to those whose *conduct* is without reproach."

It was with much confusion that I stammered an apology or explanation of my conduct, which seemed to have, however, the effect of confirming him in his probable opinion of my delinquency, for the " report " remains to this day recorded against me.

" Nevertheless," continued my imperturbable superior, " I am disposed to permit you, sir, (smack) to be absent for ten days, (smack) in full confidence that you will, for the future, (smack) endeavor to avoid reports, by a strict conformity to the regulations, (smack.) You may leave me."

Being thus happily delivered from the embarrassment of his presence, I made strenuous exertions to get myself in readiness to embark in the first boat, arrayed in my new cadet's uniform. On board I found another cadet, who was passing up the river to his home, having first been to New York. He persuaded me to accompany him for a day or two, and not knowing precisely where to meet my father, I addressed a letter to him at Albany, informing him where I was going, and that I should be at the landing place every day till he returned down the river.

Relying on this expedient, I stopped with my companion, Frank Alton, and went with him towards his home. We were obliged to walk nearly two miles before we reached the long lane which led to the house. On our way, Frank told me that he had not yet been home, and that they were expecting him with great impatience ; but as he had bought some things for his sister in New York, he was in hopes they would be an apology for his delay. He mentioned his father and sister and younger brother; and once he hinted at another, whom, from a subdued murmur which involuntarily escaped him, sounding very much like ' Clara,' I shrewdly guessed was some fair cousin, or other dangerous personage of like relationship.

Just before we reached the house, which was so deeply embowered by woods and clustering vines as to be still invisible, we met a neighbor who accosted Frank with so much evident gladness, and who seemed to have so much to say of a delicate nature, that I deemed it but courteous to continue on my way, for fear of being *de trop*, as the erudite and accomplished Mrs. Josephine Bump used to say to me, while the uxorious Mr. Bartholomew Bump was paying his amorous addresses to her, when she was the amiable Miss Josephine Snodgrass.

I had not walked far, when a turn of the lane suddenly brought into view the sequestered mansion house of the Alton family. The inmates seemed to be on the look out for the arrival of Frank, for no sooner was my grey uniform visible than I heard a faint scream of " there he comes," and in an instant more, found myself in the close embrace of a beautiful girl, whose joyous and expressive countenance proclaimed her the sister of my friend.

"Oh dear, dear Frank," lisped the charming little baggage in my arms, while her face was buried in my bosom, "I am *tho* happy to *thee* you! oh inexpressible;" but suddenly discovering her mistake, as she was about to kiss me with a sister's ardent fondness, she sprang from me like a gazelle, overwhelmed with confusion and burning with blushes. "Oh! merthy on me!" exclaimed the abashed girl, "what thall I do! How exthethively rude!" and hiding her face in her hands she ran into the house.

I stood as if petrified, with my arms bent before me in the attitude of my instinctive embrace. It was with an effort that I recovered my sense of consciousness, and when I did, it was only to obey the natural, but indecorous dictate of astonishment and curiosity, by pursuing the fair fugitive. Fortunately I recovered my self-control, after running a few paces, when, not knowing precisely what to do, and being retained by a sort of fascination, I halted where I was, and awaited the arrival of the veritable and enviable Frank. By this time I was in full view of the house, the lawn only intervening. As I looked towards it, I saw in an upper window one of the most lovely creatures imaginable. She was leaning her slender form without, and gazing on me with fixed and searching glances. Gradually, as she felt the unwilling conviction that I was not he whom she expected to have seen, she withdrew that bending form within the cruel precincts of the chamber.

First there disappeared an arm, white as ivory, and rounded like that of the celestial conception of Canova. Then vanished a hand, such as was never seen but on such an arm. Next receded that form of symmetry, withdrawing after it a neck of so perfect a contour, that had beauty one curve of grace more cherished or more perfect than another, she had moulded her loveliest feature with the elements of this divine outline. And then a chin and mouth and nose, of chiselled proportion, one by one disappeared; and then an eye, of liquid blue, but of such surpassing brilliancy that it shone like a jet encircled by a sun-beam; and, last of all, as she turned from the window, there floated by, like the vision of an enclouded spirit, the tresses of her luxuriant hair, which ordinarily bathed and kissed the neck in the unrestrained license of nature.

I was relieved from the exquisite pain of this rapturous trance by Frank, who came bounding down the lane and over the lawn, dragging me after him into the house. Leaving me for a moment, he flew into the room and was locked in the clasp of, happy fellow! these sweet girls, and—and—poh! how jealous I am growing in my old age! I can't recall that tender scene without the most envious emotion. "Down, busy devil, down, down!" Let me resume the thread of my narration with the soberness of retrospection. Let me linger with subdued pleasure on 'the memory of those joys that are past, which are so sweet, yet mournful, to the soul."

I was soon welcomed by Frank's father and mother and brother, by the lisping "sissy Gertrude," and her lovely cousin, Clara Alton; and having been introduced in conventional form, I felt as much

at home and as free from constraint, in a few hours, as is consistent with the most generous and true hospitality.

On the following day, when it was probable that I should take my final leave of this interesting family to meet my father, Mrs. Alton ordered an early tea, and as she was to be absent, deputed my lisping companion, Miss Gertrude, to preside at the table. There was no one but the two girls, Frank and myself, to partake of the meal. The table was spread under a bower of crysanthines and the air was redolent of fragrances.

The utilitarian may imagine the instruction which I then received in the domestic art of making tea and coffee, and of mixing the ingredients of the beverage, to be the only things worthy of remembrance.

"Mamma thinks," said Gertrude, while in the act of replenishing my cup, "that the thugar ought alwayths to be put in the cup before the coffee or the tea; but the cream latht in tea and firtht in coffee. Papa preferth the brown thugar to the white thugar, in coffee, and the boiled coffee to that made in the byggan. Tho you thee, Arthur, that I am quite verthed in the houthehold matterth." I have remembered and have acted according to the suggestions of my fair preceptor in the domestic concerns of my bachelor establishment.

I fell desperately in love on this occasion, although I have not yet determined with which of the young ladies. As to the lisping Gertrude, there was so much romance in our meeting, that I was in duty bound to fall in love with her, just as much as he who saves a pretty girl's life, or preserves her from some imminent danger, is expected to fall in love with *her*. As to Clara, if it would not be considered a treacherous return for the kindness and hospitality of Frank Alton, I would confess that I felt an inkling of a sensation very much like what I first experienced towards Ellen, before she got married and proved of such astonishing prolificacy, and which, at that time indeed, I was professing and believing myself to entertain.

As to Gertrude, again, she would have made an admirable wife, one of your notable managers, who contrive to make both ends meet, and who understands a thousand little economies by which a subaltern on seven hundred and fifty a year, by her frugal and judicious contrivances,—such as making a roast, boiled, and soup, out of a loin of beef, for three successive days,—could hold up his head quite respectably. All these conjugal accomplishments no doubt Gertrude was mistress of. But Clara would have made a much more interesting sweetheart, than a profitable wife. Be these distinctions as they may, I thought but little of them at the time, but I know full well that between them both they made a decided *smite*.

Indeed, Frank Alton used to rally me on the subject, and declared that the better part of me was left behind, and that my body, and not myself, was transported to the steamboat; for my heart and soul remained under the girls' control. But, he added, 'their safety was insured by their susceptibility; by virtue of which, any impres-

sion that one pretty face might make, would be immediately effaced by another.'

But I soon recovered myself on board our boat through the influence of the excitement which any novel situation is apt to produce. I found my father there, in company with several military gentlemen, with whom he was so engaged that he scarcely gave me more than a passing salutation. I had been wandering about for fifteen minutes, when I was startled by the cry of "man overboard." Every body ran to that side where he was, and, in the agitation of the moment, forgot to render any assistance to the unfortunate fellow. The boat was scarcely under way, so that he was plainly visible under our stern; as the engine was immediately stopped, a rope might have been easily cast to him. But there was no rope at hand, and the poor Irishman was well nigh exhausted, when somebody was struck by the lucky thought of throwing him a chair. No sooner did the multitude observe this, than, as if to make amends for their former apparent apathy, each emulated the other in well-meant intentions to rescue, or at least to assist poor Pat, and showers of chairs followed in quick succession; and when these were exhausted, the people on board seized the most convenient moveable within reach. They appeared to be completely frenzied, while Pat had as much as he could do to dodge the missiles that were aimed at him with almost fatal precision. While he was bobbing his head up and down, this side and that, like an experienced goose at a gander pulling, a rope was brought and thrown to him, but unluckily without retaining either end. Pat thought he was now safe, and relinquishing the chairs on which, somehow, he had buoyed himself up, notwithstanding his exertions to avoid them, he cried out "Pul in, pul in, and why don't ye pul in now?" The boat by this time reached him, and after picking up the floating paraphernalia of the boat, he was put on board, and we continued our voyage.

I was noticed as I passed my father by one of the officers with whom he was talking, and who was *ex officio* an officer of the academy. He was a fine, portly man, somewhat young looking and smooth-faced, but with an expression of good nature, which to me is always agreeable and attractive. Him they addressed as general.

There was also another officer of the academy, who made one of the group. He was a tall man, with very black hair and eyes, and a peculiar blue-black beard, which looked quite rich and ornamental—when shaven. He was called captain, and sometimes major. There were two other captains of artillery of singularly opposite characteristics. One was slender, and very quick in his movements and his speech; the other thick and heavy, and in his motions and enunciation remarkably slow. There was also another gentleman, formerly attached to the staff of the northern army, and during the war was a major. He was a small man—extremely jealous of his erudition and tenacious of his dignity, as all small men proverbially are.

He, it appeared, was interrupted in his colloquy by my approach, for he was about to proceed with, "sir, we live in an age the most eventful in the world,"—when he was interrupted by the engineer captain, who, it seems, was at the "sortie of Fort Erie;" for that was usually the burden of his discourse.

"The march of the human mind in matters of war," continued the little staff major, "is, general, steady and progressive; and"—

"At the sortie of Fort Erie the curtain of the bastion was threatened by the enemy," said the engineer captain, "while we were engaged"—

"And like the motions of the heavenly bodies, is guided," continued the staff major.—

"In the block-house," pursued the engineer captain.—

"By a hand divine—or, as Cicero has it, *Stellæ errantes*,"—

"Hold, one moment," interrupted the general with eagerness; "don't be rash in your quotations, major! for do you not recollect when at the mess table last war, you recognized this quotation of mine, and doubted only whether it was from Homer or Helvetius? "Θημωρ ἵπτε, Θημωρ ἵπτε." Ha! ha!"

"Ah now! a truce to your wit," replied the major, his face and voice betokening the utmost confusion at the sudden termination of his flight of eloquence by so disagreeable a reminiscence: "I shall be obliged to retort and tell of the time when you were on your horse Bolakki, spouting Pon—"

"Hush, major, hush!" cried the general quickly, "we have now both had our laugh out, let us change the subject. Captain, you were about speaking of the sortie of Fort Erie—a most gallant action that."

I forgot what the engineer captain had farther to say on this subject, but I remember that some opinion was asked of the *slow* artillery captain, which, after a long preparation, he commenced to give, word by word—the *quick* artillery captain filling up the interstices, and generally, with evident impatience, anticipating the close of the sentence.

By and by, the damps of the evening dissolved the knot of colloquists, and I was left alone with my father. The bell sounded for tea in a few minutes, and interrupted my father in conversation with me. Notwithstanding I had already partaken of it, I seated myself at table with the rest, in order to observe the various manners of the people about me.

There was one man, who had taken his place among the officers, who seemed to annoy the *quick* artillery captain excessively. He helped himself, as country people generally do, with his own knife and fork out of every dish, and seemed to have a peculiar affection for what few delicacies were spread before him. The cakes and the pies vanished from sight, all in the maw of this "man with an appetite," as the artillery captain called him. The servant, perceiving this, brought to each one another piece of pie of a different composition from those which the man with an appetite had devoured, and he, seeming to be still unsated, was very anxious to

obtain a portion also ; but he was puzzled prodigiously how to accomplish it. After some few minutes silent reflection, he burst out, "I wish I had a piece of pie ;" and every time a servant passed him, he iterated, "I wish I had a piece of pie ! I wish I had a piece of pie ! !"

"Here, take mine," said the artillery captain.

"I wish I had a piece of pie ! !" repeated the man with an appetite, after swallowing that of the captain.

"I wish to G—, you had," said the latter, rising and retreating from the table. The artillery captain did not recover his composure till we had fairly reached New York, when he hastily retreated from the noxious proximity of "that d—d man with an appetite."

I accompanied my father to all the sights and places of usual attraction in this city, in order, as he said, "to satisfy my curiosity, and to encourage me to devote my whole time and thoughts to the duties of the academy after the term should have commenced ;" an experiment which some parents may consider of doubtful expediency, and a principle of dangerous tendency.

I went to the theatre, but remembered the advice contained in the caption. I renewed my acquaintance with the Howlands and the Racketts, but without being witness again to their singular consultation on the subject of expelling an interesting lady from their *clique*, of whom they were tremendously jealous. I went, also, to the notorious "Five Points," in company with a physician of the city dispensary ; and what a study of human nature in its most revolting aspect was there !

It was almost high noon when we left the dispensary. I on an errand of curiosity, encouraged by my father ; and the doctor on one of charity and duty. The streets were alive with the usual bustle of active life, but when we entered the precincts of the "collect," a startling and almost frightful silence hung about the neighborhood. Not a being besides ourselves and two dare-devil looking wretches, were visible in the streets. But as we passed along, a crazy door would now and then open and a slattern wench, slipshod and half-dressed, would glide out with a cracked bowl or a broken shovel in her hand, to search for fire to cook the morning meal, for which the last night's revelry had left but a morbid appetite. At length we reached a house, at the door of which the doctor knocked. He was answered from within by a shrill voice, in a dialect which I could not then understand. "What glum cove trutangles there ? "

"Doctor ——," replied my companion.

Immediately, preparations were made on the inside to admit him, and the door was opened by a middle-aged woman, whose face bore the lineaments of former beauty, almost obliterated, however, by a course of continual dissipation. The room into which we entered was untenanted, save by a black man, who was stretched on a pallet in the corner, fast asleep. The walls were dripping with exuding dews, and the atmosphere was rife with a tomb-like dampness, which seemed of itself enough to generate disease and death.

There were two holes, one in the floor and the other in the upper wall, which led to apartments below and above. At the first there was a ladder, down which I followed the doctor. This apartment had formerly been the lower room in the house, before the streets were filled to their present level, and below this was another, which, being originally the cellar or basement story, was now black with thick darkness, two stories under ground. One small candle glimmered from a bottle, in the room into which we had descended, throwing, for a few feet around, a faint struggling light, but without power to penetrate beyond. A congregation of baneful odors rushed through the aperture as we descended, to find a vent in the open door. As we reached the bottom of the ladder, something suddenly started up at our feet, and I saw, distinctly, the gleam of a weapon or other instrument, flash in the darkness. Our conductress, who had remained a moment to secure the fastening of the door, now followed us down the ladder.

"What coves have ye troll'd here, Sal?" asked a voice near us. "Lay down, you fool, Bob!" replied Sal, "its only the puls-wran* and a whippersnapper."

Without particularly noticing this interruption, the doctor passed towards the light, carefully avoiding the miserable beds that were distributed about the room and on the floor, while I was obliged to remain where I was, till my vision had accommodated itself to the surrounding gloom. It required great nerve to preserve my composure and presence of mind, in this place of living desolation, but I at length conquered my fears by calling to mind the previous assurance of the doctor that there was no danger.

"Why don't ye knock a glim, Sal?" said another voice, in tones of evident respect, which the physician's presence inspired.

The woman then brought a *wax* candle in a candlestick of rich but decayed workmanship, and placed it on a board beside the other. While the doctor was engaged with his patient, with apparent earnestness, but in perfect silence, I looked with mingled curiosity and amazement around the apartment. The person who first spoke, was resuming his posture on a smock bed, with his glaring eyes fixed on me. He was, to appearance, a man of about sixty; his hair, which was sprinkled with grey, and his wrinkled face, bore testimony of his accumulated years, or perhaps of a premature age. There were also several children in the room, some naked, and others in filthy rags which scarcely covered them, who seemed to have been interrupted in strange pastimes; they, too, gazed on me with unmixed wonder, and one of them came up to look at my buttons, and seemed disposed, I thought, to convert them into play-things. In one corner of the floor, was the hole which led to the cellar still beneath, from which voices proceeded, that proved that this place was also inhabited. On the opposite side of the room, there was another hole in the side wall,

*Doctor.

from which I saw a head protrude and suddenly withdrawn; as if satisfied with the scrutiny and fearful of discovery. This led into the next house, or perhaps into some secret passage by which many of the contiguous houses in Five Points are connected together.

I felt very uncomfortable, especially as the doctor had not spoken a single word. The silence seemed awful, and I was almost ready to scream, for I knew that this was the only means in my power to arouse my choked voice. But the doctor himself now broke the stillness, by the thrilling words, "*He is dead!*" The patient had died in this abode of misery and squalidness, without one ear to catch his last sigh, nor one hand to minister to his last wants.

This sudden visitation of death in a place which seemed teeming with life, overwhelmed me with solemnity and awe. It affected even those around me, who were apparently so oblivious and insensible to the higher and nobler emotions. They rose up, to the number of ten men and women, and with a good deal more of care for the dead than they had manifested for the living, they bore the corpse to the upper apartment, and laid it out as decently as circumstances would permit.

It was a scene of exciting interest to see these creatures gather around the body, as they successively emerged into the light of day, and to observe their various countenances, on which hell was stamped, worked up into one universal expression of superstitious dread!

The doctor having seen to these preliminaries of interment, was about to pass up into the room above, but the ladder was ~~ever~~ drawn up. It was a long time before Sal, who seemed to be the clothed with all the authority, and on whom devolved all the domestic duties of the place, could arouse the inmates above. I heard a faint sort of a growl frequently respond to her call of "Joe, dowse the goupe* quick, for the pulsran, you lazy whelp of a gul-trapt." Not receiving any other reply, she became exasperated, and notwithstanding the awful circumstances which but now had filled her mind with fearful thoughts, she poured forth a torrent of profane and ribald abuse, such as the unpolluted imagination cannot conceive. But the doctor, to whom all persons of this character habitually pay more respect than to any other person, calmed the termagant as soon as his voice was heard by her. At length a ladder was lowered by a lame boy with squinting eyes, and a remarkably clean red flannel shirt, which singularly contrasted with the filthiness of his neighbors, and I mounted into a garret after the doctor, my pocket-handkerchief being stolen from me by those below, as I was ascending.

In this room were only one woman and the boy. She was in a most miserable condition, having had, as she said, no water or food for twenty-eight hours. She hailed the doctor with tears of joy. She told a melancholy story to him of her drunken husband

*Ladder.

†Cheat or swindler.

having visited and beat her, and of his having turned away the attendant which had been provided by the physician's care.

The doctor soothed her by many kind words, which flowed often and effectually from his tender heart, but when he reached the lower apartment, he called 'Sal' aside and rebuked her severely; for not having interfered against the brutal husband of the sick woman; to which the young hag only replied with moody impatience: "and would'nt I be in a heap of trouble, if I was to fash myself wi' all my neighbor's glack-pates and tantrums."

When we had departed from this wretched abode of vice and misery, the doctor directly took measures to remove the sick woman from the place, while I pursued the way to my lodgings. From the living solitude of this Pandemonium, to the mid-day noise and activity of Broadway, was one of the most singular and sudden transitions that I had ever experienced. My faculties were confused; I could not think nor speak with connected sanity, nor did I really recover my senses till I had reached home.

Two days before my leave of absence had expired, I bade farewell to my father, who at length started for my home, charged with a multitude of messages, and with letters to my mother, sister, and my aunt Charity; and on the following day, I returned to the Point.

How different were my notions from those which I carried with me on my former voyage on the Hudson! How enlarged were my ideas, and yet how false!

I arrived at length at West Point—recorded my name—toiled up the steep ascent to the camp—reported myself to the adjutant—answered ten thousand questions of my companions—resumed my blanket and knapsack, and—fell asleep.

ANOTHER PROJECT FOR A PROVIDENT SOCIETY,

ON THE PRINCIPLES OF VOLUNTARY ASSOCIATION.

We comply with the request of the writer to give "as early an insertion as practicable" to his project for a Provident Society. A *voluntary* association is the only one which ought for a moment to be contemplated; but, although our opinions of its practicability and utility have undergone little or no change, we entertain strong doubts whether sufficient unity of action can be commanded to carry the measure into beneficial operation.

There is one feature in this project which may recommend it more strongly than others that have been proposed:—it is that of paying no more to the widow or heirs of a deceased member, than that member may have paid into the common treasury during his membership. Thus, if an officer dies before his second

instalment becomes due, his widow or heirs can only receive the amount of his first and only contribution. If the longest annuities or pensions were limited to five or ten years, upon the presumption that the widow or other heirs could, during that period, procure means of support independent of the society, it would remove another strong objection, viz. that the fund never could accumulate, as the demands upon it would exceed the resources. In extraordinary cases, an extension of the term to fifteen years might be granted.

But there is one feature in this project which, we apprehend, will render it unavailable. It is the large assessment proposed to be made upon the pay proper. We know of no officer who can or will permit such a deduction from his pay as one-fifth, whatever might be the anticipated benefits to his family. We may, however, be mistaken; and it only remains for us to ask that attention to the subject which its acknowledged importance demands.

From the time that I first gave the subject of this article a moment's reflection, I have ever been convinced both of the expediency and practicability of establishing a fund for the relief of the families of the deceased officers, by the voluntary contributions of the officers themselves; and, with due respect for the opinions of others, I am, notwithstanding all that has been said against it, of the same opinion still.

In support of which, I beg leave to submit to the consideration of those concerned the subjoined plan for effecting the above object. Although I have not the vanity to suppose that it is the best that can be devised, yet, if brought into operation, it will be found not only practicable, but will afford as great advantages as could reasonably be expected from an institution of this character. It may be well to remark, by way of removing erroneous notions that seem to be entertained by some officers upon this subject, that it is with a provident society as with every other worldly good: so that he who expects to enjoy either the one or the other, must make up his mind to pay for it. No officer need entertain the vain hope of providing a comfortable subsistence for his family after his decease, by merely contributing two or three shillings during his life. But, on the other hand, by a careful examination of the annexed tables, he will see that, by a little self-denial, he may secure them an interest in the fund proposed to be created, that will be found far preferable to entire destitution. That there are many officers who are desirous of availing themselves of an opportunity of so doing, judging from their own words, contained in some former numbers of the Military and Naval Magazine, cannot be doubted. These I now invite to join me in the following project (should there be no better one devised) to effect this benevolent object. Let us not reject it because it is not the best. The project is open to all officers, army or navy, married or unmarried, who may think proper to participate in its advantages. As to the one proposed in the bill before Congress during its last session, to say nothing of its total impracticability, and other objectionable features, it is sufficient that it would have operated with injustice upon individuals, to make it entirely ineligible; and, as far as my knowledge extends,

it found as little favor in the eyes of the married as the unmarried officers of the Army.

If it is objected that, in the project now proposed, the contribution is greater than in any before suggested, let it be remarked that the return is greater, and more certain; that it is in proportion to the sum contributed, taken at the minimum rate, and does not depend upon the uncertainty of leaving a widow or children, but may descend to any legal heirs, or to any individual to whom it may be bequeathed.

The following are the leading features of the project:

1st. The fund to be created by an annual contribution of nineteen per cent. of the pay proper.

2nd. At the death of each contributor, an annuity of two-thirds of his pay proper per annum to descend to his heirs or assigns.

3rd. An officer having passed through several grades, the amount of the annuity to be determined by the time served in each grade, while contributing to the fund; to commence at two-thirds of the pay of his grade at his death; to continue at the rate as long as he has served in that grade; then to be reduced to two-thirds of the pay of the next lower grade in which he last served; so on, throughout all of the grades.

4th. An officer having been a contributor to the fund, should he leave the service, may either be permitted to continue his interest in the fund by continuing his contributions, or have his previous contributions refunded with simple interest, as may hereafter be determined.

5th. The annuity, if the deceased has been a contributor to the fund fifteen years, or more, to continue as long as his contributions; but if under fifteen years, the annuity to continue fifteen years, if the society has been in operation that length of time; if not, then for the same length of time that it has been in operation; provided that the contributor, if married, joins the society within one year after its formation, or one year after his marriage; or, if single, if he joins one year after its formation, or five years after his entering the service. In all other cases, the continuation of the annuity to be equal to the time of contribution.

The following tables will show the rate at which the annuitants will increase, and the operation of the fund for forty-six years. The data are not far from those on which is founded the table of the West Point circular.

For an example, let the number of officers who will contribute to the fund be taken at two hundred.

Average pay proper, - - - - -	\$444
Average annuity, (two-thirds of the above,) - - - - -	296
Average number of deaths, - - - - -	5
Average duration of the annuities, - - - - -	23 years.

As the annuities are never to continue longer than the society has been in operation, it will follow that, although there are five added to the list of annuitants annually, yet, as there will be a de-

duction of five every other year, the number will be increased to five only every other year, until it reaches a maximum, after which it will remain constant. The year in which this will take place may be found by doubling the number which indicates the duration of annuities. In our example, twenty-three is this number; consequently, in the forty-sixth year the number of annuitants will have reached its maximum.

In the vertical column of table first, are placed the number of annuities to be paid each year successively. Thus, in the seventh year, this number is twenty. In the horizontal lines, each set of annuities is continued to the right from their commencement to the year of their termination. Thus the five annuities which commence in the fifth year, as the society will have been in operation five years, are continued to the tenth year.

TABLE I.

Years.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	5													
		5	5											
			5	5	5									
				5	5	5	5							
					5	5	5	5	5					
						5	5	5	5	5	5			
							5	5	5	5	5	5		
								5	5	5	5	5		
									5	5	5	5		
										5	5	5		
											5	5		
												5		
													5	
														5

TABLE II.

Years.	No. of An-nuitants.	Amount of An-nuities.	Capital at the begin-ning of each year.	Interest of capital at 4 per cent.	Annual con-tributon.
1	5	1,480 00	16,872 00	674 88	16,872 00
2	5	1,480 00	32,938 88	1,317 55	16,872 00
3	10	2,960 00	49,647 55	1,985 22	16,872 00
4	10	2,960 00	65,545 45	2,621 83	16,872 00
5	15	4,440 00	82,079 27	3,283 10	16,872 00
6	15	4,440 00	97,974 44	3,911 77	16,872 00
7	20	5,920 00	114,138 21	4,467 52	16,872 00
8	20	5,920 00	129,557 74	5,182 30	16,872 00
-	-	-	-	-	-
28	70	20,720 00	418,772 10	16,750 88	16,872 00
29	75	22,200 00	431,674 98	17,266 99	16,872 00
30	75	22,200 00	443,613 99	17,744 55	16,872 00
-	-	-	-	-	-
44	110	32,560 00	585,376 42	23,315 05	16,872 00
45	115	34,040 00	593,003 47	23,720 13	16,872 00
46	115	34,040 00	599,556 60	23,982 26	16,872 00

The intermediate numbers have been omitted to save room; but the calculations have been made with some care, and may be relied upon as sufficiently accurate.

From the second table it appears that the capital in the thirtieth year is \$431,674 98; the interest of which, added to the annual contribution, will exceed the maximum annual demand upon the fund by \$98 58. This, therefore, is all the capital required in ordinary cases; but, for the sake of security against all unforeseen accidents, it would be advisable to have a surplus fund always on hand. By referring to the table, it will be seen that the annual increase of capital will be quite sufficient to meet all contingencies of this nature. For example: in the forty-sixth year the income exceeds the expenditure by a sum sufficient to pay twenty-one annuities. Besides, we have calculated the interest at four per cent.; but the capital will, without doubt, draw more than this; which excess may either be applied to the increase of capital, be deducted from the annual contribution, or appropriated to the extension of annuities when some peculiar circumstances might seem to require it. In the first few years after the organization of the society, the annuities will necessarily be limited to a few years. This is unavoidable, as, otherwise, a sufficient capital could not be produced without increasing the contribution, which is supposed to be at a maximum at nineteen per cent. The following example will show the operation of this system upon individual interest:

	<i>Annual Contribution.</i>	<i>Annuity.</i>
1. Second Lieutenant,	\$57 00	\$200 00
2. First Lieutenant,	68 40	240 00
3. Captain,	91 20	320 00
4. Major,	114 00	400 00

Thus, we see, that for every year that the contribution is made, there is at least a return of nearly four fold. It is possible that the same money, prudently invested in some other way, might, in some cases, bring in a greater increase; but then officers of the army, from the nature of their occupation and local circumstances, have seldom the requisite experience in business, or a suitable opportunity, to profitably invest the small pittance which they might, with rigid economy, reserve of their pay. This project will supersede the necessity of the former, and supply the place of the latter. I trust, therefore, that, should it be deemed expedient to adopt it, the necessary measures will be taken without delay.

R.

In the Russian Army, every man is taught to mend his own clothes, to sew a plain seam, and to repair his own shoes; the consequence of which is, that a Russian regiment is capable of completely clothing itself in three days, every individual contributing his labor for the common good. The Russian soldier, also, by a preparation of tallow grease, keeps his boots water proof.

FOREIGN SELECTIONS.

MILITARY DESERTION.—The punishment of imprisonment does not appear to have the effect of preventing desertion in the army. The offence has of late become very frequent. Cases are known where the deserter himself has divided the guinea, which is usually given, with the party who delivers him up to his regiment. Late-ly two soldiers were tried by courts martial. Joseph Cahill, of the 12th regiment, who has four times deserted, (once from Gibraltar,) has been sentenced to fourteen years' transportation; and Joseph Worth, of the 84th regiment, who has once deserted from Jamaica, and twice from the depot companies in England, when he also committed a robbery, and was sentenced to be transported for life; but his Majesty has commuted the term to fourteen years. It should be understood that both these men are transported as felons, which will subject them to labor in chains on the roads forming through Sydney or Van Diemen's Land.—*United Service Gazette.*

COURT OF CHANCERY AND COURTS MARTIAL.—An application was yesterday made, in the court of chancery, in behalf of John Waller Poe, formerly a lieutenant in the army, dismissed the service by sentence of a court-martial in August last, for the court to stay proceedings and revoke the sentence. The Lord Chancellor refused the writ, and questioned the power of the court. The King had the exclusive, uncontrolled prerogative of dismissing any soldier or officer when he pleased, with or without a court-martial. Sir Robert Wilson and Colonel Jones had both been dismissed without any court-martial being held, and it had been well observed by Blackstone, that the safety and peace of society required that this power should be vested in the monarch.—*Ibid.*

ROYAL NAVAL MEDICAL SUPPLEMENTAL FUND.—The anniversary dinner of this excellent institution was held at the Freemasons' Tavern on Tuesday last, Sir W. Burnett, head of the Naval medical department, in the chair. The objects of this society are to provide for the widows of medical officers an additional sum, equivalent to the government pension. The chairman congratulated the company upon the prosperity of their affairs; and the secretary, upon being called on, stated that their net income was 9,352*l.* per annum; that the pensions given to 111 widows amounted to 4,440*l.*, and the charges of management to 224*l.*; thus leaving a disposable surplus income of 4,692*l.* Mr. Guthrie, as President of the College of Surgeons, and several distinguished naval members of the profession, were present.—*Ibid.*

THE MILITIA.—By a return to the House of Commons, it appears that the expense of the militia of Great Britain and Ireland, from 1816, to the first of January 1834, amounted to the sum of

6,084,406*l.*; the largest expenditure was in 1821, when the amount reached 420,377*l.* Since that period it has been gradually reduced, and we find that the total expense of 1833, was only 222,17*l.*

Ibid.

BELGIAN ARMY FOR 1834.—The Belgian Chambers, assembled at Brussels, have fixed the effective strength of the army for the present year at 110,000 men; and the army contingent at 12,000. The estimates presented by the Minister at War, and amounting to the sum of 38,281,000 francs, (1,531,240*l.*) were unanimously adopted by the Lower Chamber on the 1st of January last.—*Ibid.*

MILITARY FORCES OF SWEDEN.—Independently of the *Indelta*, (or rural army,) and the *Vaerfvaade*, (or regular army raised by recruiting,) which compose the permanent force, there is a third disposable corps called the *Bevaering*; it is raised by ballot, and can be mustered at a very short notice. According to the official statement drawn up by Colonel de Forsell, one of the King of Sweden's aides-de-camp, the effective strength of the three descriptions of force is as under :

	<i>Infantry.</i>	<i>Cavalry.</i>	<i>Artillery.</i>	<i>Engineers.</i>
Vaerfvaade,	3,670	1,100	2,800	370
Indelta	29,400	4,000	200	—
Bevaering (or militia,)	130,000	—	—	—
Total,	171,540 men.			<i>Ibid.</i>

THE SPANISH ARMY.—The army forms three grand divisions. The regular forces, which amount to about forty thousand men; the militia, which are more numerous; and the "realistas," royalist volunteers or national guards, which are denominated as the political state of the country gives the predominance to one party or the other. The French system of equipment has been adopted. The men are respectably clothed and appointed, and they are well and regularly paid. The code of military law is excellent, but severe. The Spanish soldier is a patient, cheerful, docile, enduring, sober, and hardy being, who is not easily disheartened. The best troops are those from the north. The grand deficiency in the Spanish army is the want of regimental officers up to the rank of captain inclusive. This deficiency has been increased by the unwillingness of the government to give a post of the smallest weight to any politically opposed to them. This has amounted to an exclusion of nearly all the best officers, they being for the most part liberals. The regular army is drawn by ballot. The militia is a most valuable force, and, with a little attention to discipline and the selection of good officers in the lower ranks, would be every thing that could be required in such a corps. The lowest description of force, in every respect, are the corps of "realistas." It was originally formed of the bands who took the field in concert with the French cabinet, previous to the invasion in 1823. These were gradually increased, and became a regular force in every part of the kingdom. In the large towns they had quarters, where "Viva el

rey absoluto" inscribed over the gate explained their tenets. They were generally the lowest of the populace, and, in most places, of the very dregs of society. The great military divisions of Spain are, at present, the Castiles, old and new, Arragon, Catalonia, Valencia, Gallicia, Estremadura, Navarre, to which are united the free provinces of Granada, Lower Andalusia, and Murcia. These commands are, of course, bestowed on the higher rank of military officers. The regular emoluments are small and badly paid, as in all other departments; but advantage is sometimes taken of the opportunities of peculation.—*Ibid.*

EGYPTIAN ARMY.—The number of men now employed in the naval and military service of the Pacha, is estimated by the best informed as amounting to 107,000, and the latter consist of 24 regiments of infantry and 13 of cavalry, besides artillery. The great want is an effective staff.

EGYPTIAN NAVY.—The Viceroy of Egypt has nominated Captain Besson, a Frenchman, to be his Vice Admiral; this being the first instance of a christian being employed in such a dignified office in a Mahomedan country.—*Ibid.*

DUTCH NAVY.—The Dutch navy consists of sixty-one square-rigged vessels with batteries, besides several gun-boats, a vessel used as a naval school, two steam vessels, and four transports. The men-of-war comprise two ships of 84 guns; six of 74; one of 64; three of 60; sixteen of 44; seven of 32; twelve of 24; four of 20; ten of 18; one of 12; one of 9; and two of 8. The navy list enumerates one admiral (Prince Frederick); 4 vice admirals; 7 rear admirals; 26 captains; 32 captain-lieutenants; 71 first lieutenants; 171 second lieutenants; eighty-nine cadets of the first class, (Prince William Frederick Henry being one); four surgeons-in-chief; and fifty other medical officers. Such is the naval force provided and maintained by a population of 2,460,924 souls.

Ibid.

MILITARY BUDGETS OF THIRTEEN STATES.—A German paper gives the following as the amount of the "Military Budgets" of thirteen states in Europe:—France, 12,386,400*l.*, 400,000 men; the Netherlands, 3,174,400*l.*, 77,500 men; Belgium, 2,955,400*l.*, 110,000 men; Great Britain, 3,872,000*l.*, 100,000 men; Spain, 3,075,000*l.*, 71,300 men; Prussia, 3,989,600*l.*, 222,000 men; Bavaria, 550,000*l.*, 53,000 men; Saxony, 268,300*l.*, 12,000 men; Wurtemberg, 187,900*l.*, 10,000 men; Hanover, 246,400*l.*, 12,000 men; Baden, 141,000*l.*, 8,000 men; Hesse-Darmstadt, 91,480*l.*, 8,000 men; Norway and Sweden, 133,000*l.*, 50,000 men. Total, 31,070,780*l.*, 1,133,800 men.—The population of these several states amounting to 103,045,700 souls, it follows that, one with another, each inhabitant in them contributes a fraction more than six shillings towards the yearly expense of supporting the military. And if the number of men under arms be correctly given, the average levy of all these states is 11 in every 1,000 souls.—*Ibid.*

REDUCTION IN THE FRENCH ARMY.—The *Moniteur* contains a royal ordinance, dated the 9th March, 1834, relating to the reduction of the army. The following are the principal provisions:

The 65th demi-battalions of the infantry regiments of the line to be immediately incorporated in the three battalions of their respective regiments. The officers of every rank belonging to these demi-battalions are to be placed in their respective corps as vacancies occur, according to their rank and seniority; they are to have the preference of all such vacancies, except as to one-third of the sub-lieutenancies, which are reserved for such non-commissioned officers as merit promotion. All such officers as cannot thus be placed in their own regiments, shall be distributed among other regiments when vacancies occur, and in such manner that the number of officers in each regiment may be kept as nearly equal as possible. One-fourth of the chef-de-bataillon, adjutant-majors, captains, lieutenants, and sub-lieutenants, are to receive leave of absence for six months, preference to be given to such of those officers as desire to have such leave. In order that the number of officers in actual service may not exceed the regulation, no vacancies in the ranks of chef-de-bataillon, adjutant-major, captain, lieutenant, or sub-lieutenant, shall be filled up, except the one-third of the lieutenancies allotted to the promotion of non-commissioned officers. All such non-commissioned officers and grenadiers as are qualified and desirous of entering the foot gendarmerie, are to be preferred to that service, in which adjutants, non-commissioned officers, and sergeant-majors, may be appointed brigadiers. All the non-commissioned officers, drummers, and private soldiers, whose term of services expire on the 31st December next, are to be immediately discharged.—*Ibid.*

GRENAIDIERS.—The first troops of this description bore an axe, a sabre, and a *grenadier*, or leather bag, containing from a dozen to fifteen grenades. In the year 1671, at which time the musket was substituted for the firelock, the majority of the grenadiers were equipped with the former, and the whole of them were thus armed at the close of Louis XIV's reign. The grenade was of the calibre of a four-pounder, and fired with a match. A whole company of grenadiers was formed in the King's regiment in 1670; and shortly afterwards the precedent was adopted in each of the thirty oldest regiments; in short, every battalion was successively allowed a company of grenadiers. In 1745, the grenadier companies of the militia were formed into seven regiments, under the designation of the Royal Grenadiers; and when the army was re-organized in 1749, eight-and-forty companies were picked from disbanded regiments, and out of these the celebrated corps of Grenadiers of France was formed. This corps disappeared with the year 1789, when the axe was laid to every other ancient institution.—*Ibid.*

AUSTRIAN LIFE-GUARDS.—This corps is of three descriptions, namely, the “Equestrian German Guard, or the Premier Life Guard

of Archers," the senior corps of the Austrian army, taking precedence of every other, it consists entirely of superior officers who have served in the field. The next in rank is the "Equestrian Hungarian Guard," composed of Hungarian, Transylvanian, and Croat noblemen, who hold the rank of lieutenants. And the third and last, are the "Yeomen Life Guard," consisting of subalterns who have served in the army. The two former divide the duty of mounting guard in the Emperor's ante-chamber between them; the latter do the duty at the outposts of the Palace, or Hofburgh, at Vienna. Besides these "Gardes-du-Corps," there is an inferior corps, called the "Guards of the Hofburg," which is wholly composed of non-commissioned officers and privates who have received the gold or silver medal of honor for their services in the field. The duty assigned to them is that of guarding the internal passages and corridors in the imperial residence. The gold medal entitles its possessor to double pay, and the silver one to the addition of a moiety to the usual pay.—*Ibid.*

PUNISHMENTS IN THE ARMY.—It appears by a return of the number of corporal punishments which have taken place in the British army, in Great Britain and Ireland, in the years 1830, 1831, 1832 and 1833, that in 1830 the number of punishments were 655; in 1831, 646; in 1832, 485; and in 1833, 370.—*Ibid.*

It is said that the number of courts-martial and secondary punishments has much increased since the nearly total abolition of the cat-o'-nine-tails.—*Ibid.*

So long as soldiers are like other men, and require occasional examples of severity to restrain them from crime, it is worse than idle to talk of the abolition of flogging in the army, without proposing some adequate substitute for this objectionable species of infliction; and this substitute, it is plain, must be of such a nature that its application will be practicable in any of the various circumstances in which an army, or any part of it, is liable to be placed. A penitentiary cannot be conveyed from place to place in a baggage-wagon. To keep soldiers for a fortnight upon bread and water, or to subject them to a certain number of extra drills per day in the face of an enemy's army, would be inconvenient, if not impossible. The French system of instant death or entire impunity would scarcely assimilate with English habits or feelings, and, as the example of the French army very abundantly shows, would certainly not improve the morals of our military force. What, then, is the substitute for corporal punishment which its zealous opponents suggest? We profess we have never yet heard of any substitute which offered the least hope of its being practicable and efficacious. This is the real difficulty of the question; and, until this is surmounted, all the declamation which is so popular and fashionable on the subject, ought to go for nothing in the estimate of reflecting and sincere humanity.

London Morning Post.

A garrison court-martial was held a few days since at Government House, Devonport, on a sergeant, corporal, and two privates of the 98th depot, for being in a state of gross intoxication when on the north-east barrier guard, on which charge they were all found "guilty," and the sergeant and corporal were sentenced to be reduced to the ranks, and to suffer six weeks' solitary confinement. One of the privates was also sentenced to six weeks' solitary confinement; and the other to thirty days. These sentences are, perhaps, as severe, but certainly much more humane, than the late brutalizing system of flogging.—*Plymouth Journal.*

PAY OF NAVAL OFFICERS OF THE VARIOUS POWERS.—A French journal gives the following comparative view of the pay of naval officers of the various countries, not including mess allowances:

	Francs
An English Vice-Admiral	36,000
A Dutch ditto	38,700
A French ditto	28,000
An English Rear-Admiral	27,000
A Dutch ditto	24,250
A French ditto	12,000
An English Commander	12,911
A Dutch ditto	17,200
A Russian ditto	10,920
An United States Com.	7,120
A French ditto	6,000
An English Commander of a Frigate	7,475
A Dutch ditto	6,450
A Russian ditto	4,740
An United States ditto	4,212
A French ditto	4,200

NAUTICAL SURVEYS, AMERICA.—The more we see of the work of our naval surveyors in North and South America, as well as in the West Indies, the less do we find we have been acquainted with the parts under their examination. The coast about the entrance to the Rio Negro, in South America, and the plan of Berkley Sound, Falkland Islands, by Captain Fitzroy in the Beagle, are instances of this fact, as well as the surveys going on under Captain Owen in the West Indies, and under Captain Bayfield in the St. Lawrence. The former officer has just completed a very interesting survey of the Demerara river, with the boats of that ship; and Lieut. Barnett, in the Jackdaw, has brought to light a nest of dangers on the Mosquito shore, near Cape Gracias a Dios. In the course of his survey, Lieut. Barnett has examined the "Serrana," or Sir Edward Seaward's Island. The advocates for the truth of that pretty and interesting tale, will be disappointed to find that it is nothing more than an extensive coral reef, having five very small cays in different parts of its border, quite uninhabitable. They are composed of the drift from the ocean, sand, and pieces of rock

broken from the main reef, washed up by the force of the sea. They are not more than four or five feet above the surface of the water, excepting one, which has a sand bank thirty feet high, and which is the only one that yields fresh water. It may still be said that the "Serranilla" was the scene of Sir Edward's exploits; but this cannot be, as it is even less than the Serrana, as its title implies. We are happy to find that some Spanish officers have just completed a very good survey of that dangerous reef on the coast of Cuba, known by the name of Colorados; they have also surveyed that nest for pirates, the Isle of Pines, and that extensive range of cays on the north coast of Cuba, from Matanzas to Nuevitas. The work of the draftsmen is nearly completed, and it will be immediately sent home for publication at the hydrographic office in Madrid. These surveys have been evidently made with much skill and care, and will save our surveyors much labor and exposure. It appears by them, that the outer edge of the Colorados is much nearer to the coast of Cuba than laid down in the charts, and the channels through the reef are well defined. In the St. Lawrence, we find Commander Bayfield is daily bringing some new channel and its adjacent dangers to light. Having completed Anticosti and the shores of the St. Lawrence, inside of it, in which he has changed the features of the whole navigable part of the river, he is carrying his operations through the gulf to the straits of Belle Isle in the north, and towards Prince Edward Island in the south. His work so far has shown the incorrectness of the existing charts of these parts, to say nothing of their general want of detail, but of more than one part of this coast there has never yet been even a survey made. Capt. Bayfield's surveys may be justly considered most important to Canada, as they have already not only opened new channels, and explored parts before unknown, but have determined with precision the proper form and contour of the coast.—*Nautical Mag.*

TRIGONOMETRICAL SURVEY.—The Trigonometrical Survey of Ireland had been only yet completed in three out of the thirty-two counties, and the original estimate of £300,000, for which the whole was to have been done, is exhausted. If the future progress of the undertaking continue at the same rate, the survey will cost a million and a half, and be concluded some 50 years hence.

Lieutenant Goldsmith, first of the *Revenge*, has invented a plan of dividing the topsails of line-of-battle ships into two parts, and using two yards instead of one, which alteration will not cause any reduction in the original quantity of canvass. Eighteen feet are to be added to the lower masts heads, and no larger tops and topmasts than those used for 46-gun frigates in this case will be required for all line-of-battle ships. By stating that when the upper sail is furled the lower one will be a close reefed topsail, it will be sufficiently descriptive for our nautical readers. By adopting this plan fewer men will be required aloft in shortening sail in a gale or squall. It will be a saving of expense, and the weight aloft will be dimin-

ished upwards of ten tons on the two masts: five of which will be in wood. The plan has been approved of by a great number of naval officers, both at Gosport and at Plymouth.—*U. S. Gaz.*

Mr. Biddlecomb, second master of the *Blonde*, has invented a mode by which the water-tanks, in ships' holds, may be filled and emptied by means of Truscott's pump hose, without taking off the round lids now fitted to the tanks; an operation which always caused a loss of water by the ships' rolling, besides the liability of rats, vermin, or dirt getting into the tanks. The invention has been approved of by the officers appointed by the Admiralty.—*Ib.*

TIDES.—It is intended to make a series of tidal observations round the coasts of Great Britain and Ireland on the same days, for sixteen days together, from June 7th to June 22d next. The object is, to ascertain by how much the time of high and low water at each place is before or after those times at the neighboring places; and also to determine, wherever it can be done conveniently, the comparative rise and fall of the tide at the different periods of the moon's age, as well as the different intervals between the morning and the evening tides, or any other differences which regularly affect their height. For this purpose the exact time of high and low water, especially of the former, and the height above or below some fixed mark, are to be observed every day and night during the above mentioned period. The observations thus made and the results of the comparison of these with others, will be published along with the names of the officers by whom they have been superintended.—*From Instructions issued by the Admiralty.*

ROWLAND'S DOUBLE SEXTANT.—This invention of Mr. David Rowland consists in the simple application of a second index and horizon glass, with a graduated arc, to the ordinary sextant, that enables the observer to measure another angle at the same time he measures one with the original arc of the sextant. By the addition of these two angles he obtains the measurement of one, however great it may be.—*U. S. Gazette.*

IMPORTANT TO MARINERS.—The following extract from the log of the *Buckinghamshire*, is important:—

"SEA-LOG, Monday, Nov. 4, 1833.

"At five, fifteen p. m. saw two ridges of breakers from the mast head, bearing from N. by E. to N. by W. distance about four or five miles. Observations of the sun and stars at the time and afterwards place the centre of the shoal in lat. 8 deg. north, long. 114 deg. 55 min. east of Greenwich. This shoal appears to consist of two reefs of rocks about one mile W. by N. and E. by S. and half a mile north and south.

"At eleven a. m. on the same day saw high breakers from the mast head, bearing from N. to N. E. distant ten or eleven miles

two dry white sand banks, with a ridge of rocks running from them to the westward about two miles in length. By comparing these bearings with the ship's latitude and longitude, I consider this sand bank to be in latitude 8 deg. 30 min. north, long. 115 deg. 19 min. east of Greenwich.

"CHARLES SHEA,
Commander H. C. own ship Buckinghamshire."

NEW GUN-CARRIAGES.—An iron carriage, designed as well for heavy guns as for light-field pieces, has been constructed by order of Marshal Soult, under the direction of Captain Thiéry, of the artillery. It has been tried in the presence of the officers of that corps, stationed at Nevers, and has met with their decided approval. This carriage is wholly wrought iron, is much simpler in its construction than the wooden carriages at present used, and is of the same weight. The wheels are likewise of iron, and of an elegant and peculiarly light make; but they were not adopted until they had been submitted to repeated proofs in the foundry at Fourchamboult, where the carriage itself was made. They cost less than any wooden wheels, and may be promptly repaired on the spot when injured. The "avant-train" is of the same material as the carriage, and bears a munition-box of wrought iron, modelled on a similar principle to the vessels for water used in the French navy. An apparatus of greased leather encloses the box, and renders it impenetrable to moisture. By means of a mechanical power, derived from a simple iron lever, the carriage is arrested on the chassis, after its recoil, at a convenient distance for reloading. After this last operation, the mechanical check is removed, and the carriage descends to its proper position in battery by its own action, with a uniform motion, and without manual labor. Captain T. has also so arranged the construction of the chassis, which is made of iron, as, without exposing it to too severe a strain, has enabled him effectually to master the recoil of the piece, and within far narrower bounds than can be set in the case of any wooden carriage. With a charge equal to one half of the weight of the ball, and after simply moistening the chassis, the recoil has never exceeded one metre and forty cents, (55,000,260 inches.) When heavy charges are used, the chassis made of wood must be shored with the same material; but, where the iron one is used, this precaution becomes unnecessary. The several pieces, of which this new carriage is composed, are so framed and disposed, that little apprehension is entertained from the effect of the ricochement of any projectiles. If this should prove to be the fact, its use in sieges would be of incalculable advantage, as the superiority of assault over defence very mainly depends upon the efficacy of the "tir à ricochet" in dismounting the enemy's batteries. Some French officers appear sanguine too with respect to the great economy, both of labor and expense, which Captain Thiéry's invention is calculated to effect.—*Ibid.*

LAWS OF THE UNITED STATES,

PASSED AT THE FIRST SESSION OF THE TWENTY-THIRD CONGRESS.

AN ACT making appropriations for the support of the army, for the year one thousand eight hundred and thirty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the army for the year one thousand eight hundred and thirty-four—that is to say:

For the pay of the army and subsistence of officers, one million three hundred and eighty-one thousand seven hundred and seventy-two dollars, including the sum of ninety-four thousand seven hundred and eighty-six dollars arrearages of pay and subsistence, for the year one thousand eight hundred and thirty-three.

For forage of officers, fifty-nine thousand one hundred and seventy-nine dollars.

For clothing for servants of officers, twenty-four thousand four hundred and fifty dollars.

For subsistence exclusive of that of officers, in addition to an unexpended balance of fifty-five thousand dollars, the sum of three hundred and sixty-one thousand nine hundred dollars.

For clothing of the army, camp, and garrison equipage, cooking utensils, and hospital furniture, two hundred and eighty thousand seven hundred and forty-eight dollars.

For payment in lieu of clothing for discharged soldiers for the year eighteen hundred and thirty-four, including an arrearage in eighteen hundred and thirty-three, estimated for by the pay department, forty-five thousand dollars.

For the medical and hospital department, thirty-six thousand five hundred dollars.

For various expenses in the Quartermaster's department, viz. fuel, forage, straw, stationary, blanks, and printing; enlarging barracks, quarters, store houses, and hospitals, at the various posts in the Union; erecting temporary cantonments at such posts as shall be occupied during the year, including huts for the dragoons; materials for the authorized furniture of the rooms of non-commissioned officers and soldiers, rent of quarters, barracks, and store-houses; postage on public letters; expenses of courts-martial and courts of inquiry including the compensation of judge advocates, members, and witnesses; extra pay to soldiers employed in the erection of barracks and quarters, and the construction of roads and other constant labor, under an act of Congress of the 2d March, eighteen hundred and nineteen; expenses of expresses from the frontier posts, or escorts to paymasters, hire of laborers, and the interment of deceased non-commissioned officers and soldiers; compensation to extra clerks in the office of the quartermaster-general, and in the offices of the quartermaster and assistants at the several posts, and compensation to temporary agents; also, for the horses and equipments which may be required to keep the establishment of the regiment of dragoons complete, three hundred and forty-four thousand dollars.

For transportation of clothing from the depot at Philadelphia, to the stations of the troops; of subsistences from the places of purchase and the points of delivery under contract, to the posts where they are required to be used; of ordnance from the factories and arsenals to the fortifications and frontier posts, and lead from the western mines to the several arsenals; for transportation of the army, including officers when removing with troops, either by land or water, freights and ferriages; the purchase or hire of horses, oxen, mules, carts, wagons, and boats, for transportation of troops and supplies, and for garrison's purposes; drayage and cartage at several posts, hire of teamsters, transportation

of funds for the pay department, and the expenses of sailing a public transport between the several posts on the Gulf of Mexico, one hundred and forty-five thousand dollars.

For the allowance to officers for the transportation of their baggage, when travelling on duty, without troops, and for the per diem to officers on topographical duty, fifty-three thousand dollars.

For contingencies of the army, ten thousand dollars.

For carrying on the works in the city of Savannah, Georgia, twenty-five thousand dollars.

For continuing the repairs and alterations of the barracks and quarters at Baton Rouge, Louisiana, ten thousand dollars.

For erecting officers' quarters at Fort Severn, Annapolis, Maryland, five thousand dollars.

For carrying on the works at Green Bay, Michigan, ten thousand dollars.

For temporary repairs of the barracks at Fort Gibson, Arkansas, five thousand dollars.

For the purchase of land adjoining Fort Sullivan, Eastport, Maine, three thousand three hundred dollars.

For national armories, three hundred and sixty thousand dollars.

For the armament of fortifications, one hundred thousand dollars.

For the current expenses of the ordnance service, sixty thousand four hundred dollars.

For arsenals, one hundred and fifty thousand dollars.

For the arsenal at St. Louis, in addition to the sum embraced in the general appropriation for arsenals, eight thousand five hundred dollars.

For the purchase of five thousand sets of accoutrements for the artillery and infantry regiments, fourteen thousand two hundred and fifty dollars.

For the recruiting service, in addition to twenty-nine thousand three hundred and eighty-eight dollars unexpended of a former appropriation, six thousand dollars.

For contingent expenses of the recruiting service, in addition to six thousand and forty-three dollars, unexpended of a former appropriation, fourteen thousand dollars.

For arrearages prior to the first of July, eighteen hundred and fifteen, payable through the office of the Third Auditor, in addition to an unexpended balance in the Treasury, three thousand dollars.

To enable the Second Auditor to close the accounts under the act of third March, eighteen hundred and twenty-one, allowing three months' gratuitous pay to disbanded officers and soldiers, one thousand dollars.

For the payment of the general staff officers and six companies of Missouri militia, ordered into service by the Governor of that State, in the year eighteen hundred and thirty-two, thirty-five thousand dollars.

For paying any balance which may be due for military services in the Territory of Michigan, in the late war against Black Hawk and his followers, two thousand dollars.

For the payment of Captain McGeorge's company of Indiana militia, for services performed in the year one thousand eight hundred and thirty-two, provided the Secretary of War shall be satisfied that the said company is entitled thereto, the sum of seven hundred dollars.

For finishing gun racks and making window shutters to the new arsenal, rebuilding middle water shop, one hundred and ten by fifty feet, and for building a house for steam engine, including a store room for iron, fifty-two by forty-six feet, at the national armory, Springfield, Massachusetts, twelve thousand two hundred dollars.

For additional machinery and fixtures at the same armory, viz. three water wheels for grinding musket barrels, six water wheels and twenty-two forges required in the middle water shop, blast machinery for eleven double forges, and for the purchase of new and improved labor-saving machinery, seventeen thousand eight hundred dollars.

For slating roof and rebuilding water wheel of upper workshop, renewing and repairing fences on the public ground, and for painting public buildings at the same armory, three thousand five hundred dollars.

For repairing dam (and removing obstructions in way of) supplying the

water to the rifle factory on the Shenandoah river, at the national armory, Harper's Ferry, Virginia, two thousand dollars.

For the completion of the machinery in the three shops for turning, boring, and stocking muskets; the completion of the canal furnishing the water power; erecting an annealing shop and proof house; erecting two shops for tempering springs and polishing barrels; erecting two engine houses, and making addition to stocking shops; and for erecting a carpenter's and machine shop at the same armory, thirty-six thousand one hundred and fourteen dollars and eighty-six cents.

For erecting storehouses for iron and pit coal; repairing paymasters' and clerks' quarters; constructing a river wall, sinking three wells on Camp hill, grading and paving the open spaces between the public shops, and for painting some of the public buildings at the same armory, eight thousand five hundred and eighty-nine dollars and eighty-seven cents.

For the payment of the taxes assessed by the State of Pennsylvania on the United States arsenal on the Schuylkill river, five hundred and sixty-eight dollars and fifty-nine cents.

For the purchase of three acres of land on the Alabama river, and building a warehouse and dock at the Mount Vernon arsenal, in the State of Alabama, one thousand eight hundred dollars and fifty cents.

A. STEVENSON,
Speaker of the House of Representatives.

M. VAN BUREN,

Vice President of the United States, and President of the Senate.

APPROVED, May 14th, 1834.

ANDREW JACKSON.

AN ACT making additional appropriations for the armory at Harper's Ferry, for the year eighteen hundred and thirty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of completing the canal from the public dam across the Potomac river to the works at the armory at Harper's Ferry, the sum of three thousand three hundred and seventy-eight dollars and twenty-seven cents be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, June 19th, 1834.

AN ACT further to extend the term of certain pensions chargeable on the Privateer Pension Fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pensions of all widows who now are, or have been heretofore in the receipt thereof, under the provision of the act entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed the fourth day of March, one thousand eight hundred and fourteen, and the act entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed the sixteenth day of April, one thousand eight hundred and eighteen, or either of said acts, so far as regards persons receiving pensions from the fund arising from captures and salvage made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for, and during the additional term of five years from and after the period of the expiration of the said pensions, respectively: *Provided, however.* That the said pensions shall be paid from the proceeds of the Privateer Pension Fund, and without recourse to the United States for any deficiency which may hereafter arise thereon, if any such there be: *And provided further.* That no such pension shall be paid to any widow, after her intermarriage, had or to be had.

APPROVED, June 19th, 1834.

AN ACT making appropriations for the Military Academy of the United States, for the year one thousand eight hundred and thirty-four.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury.

For defraying the expenses of the Board of Visitors at West Point two thousand dollars.

For fuel, forage, stationary, printing, transportation, and postage, eight thousand four hundred and eighty-six dollars and thirty cents.

For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, carts, and fences, nine thousand six hundred and ten dollars and ninety-six cents.

For pay of adjutant's and quartermaster's clerks, nine hundred dollars.

For philosophical apparatus and repairs of the same, six hundred and ninety-eight dollars.

For models for the department of engineering, eight hundred dollars.

For models for the drawing department, apparatus, and contingencies for the department of chemistry, and repairs of instruments for the mathematical department, one thousand one hundred and seventeen dollars.

For the departments of mineralogy, artillery, and sword exercises, one thousand one hundred and thirty dollars.

For increase and expenses of the library, one thousand two hundred and sixteen dollars and twenty-two cents.

For completing the outbuildings and culvert attached to the cadet barracks one thousand and eighty-one dollars and fifty cents.

For miscellaneous items, and incidental expenses of the Military Academy, one thousand six hundred and seventy-one dollars and forty-seven cents.

For the erection of a building for military and other exercises, in winter, in addition to six thousand dollars appropriated last session, fourteen thousand dollars.

For pay of the officers, cadets, and musicians, and subsistence of officers and cadets, ninety-five thousand six hundred and ninety-eight dollars.

For forage of officers, one thousand one hundred and fifty-two dollars.

For clothing for servants of officers, three hundred and thirty dollars.

2. And be it further enacted, That the Secretary of War be, and he is hereby authorized to cause such transfers to be made from specific heads of appropriation for the Military Academy as may be necessary to enable the accounting officer to settle the accounts of Lt. Col. S. Thayer, late superintendent, for expenses incurred in procuring philosophical apparatus for said Academy under an order of the War Department in eighteen hundred and twenty-nine.

APPROVED, 28th June, 1834.

AN ACT for the better organization of the United States Marine Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the Marine Corps shall consist of the following officers, non-commissioned officers, musicians and privates, viz: One colonel commandant, one lieutenant colonel, four majors, thirteen captains, twenty first lieutenants, twenty second lieutenants, one adjutant and inspector, one paymaster, one quartermaster, one assistant quartermaster, one serjeant-major, one quartermaster-serjeant, one drum-major, one fife-major, eighty serjeants, eighty corporals, thirty drummers, thirty fifers, and one thousand privates.

SEC. 2. And be it further enacted, That the said corps shall, at all times, be subject to, and under the laws and regulations which are, or may hereafter be, established for the better government of the navy, except when detached for service with the army by order of the President of the United States.

SEC. 3. And be it further enacted, That the officers, non-commissioned officers, musicians and privates, shall take the oath prescribed by law, and that all enlistments shall be for the term of four years, during which period marines, so

enlisted, shall be, and are hereby, exempt from all personal arrest for debt or contract.

SEC. 4. *And be it further enacted*, That the officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the army: *Provided*, That no officer of the Marine Corps shall exercise command over any navy yard or vessel of the United States.

SEC. 5. *And be it further enacted*, That the officers of the Marine Corps shall be entitled to, and receive the same pay, emoluments, and allowances, as are now, or may hereafter be, allowed to officers of similar grades in the infantry of the army, except the adjutant and inspector, who shall be entitled to the same pay, emoluments and allowances, as are received by the paymaster of said corps; and the non-commissioned officers, musicians and privates, shall be entitled to the same pay, rations, clothing, and allowances, as they now receive.

SEC. 6. *And be it further enacted*, That the staff of said corps shall be taken from the captains and subalterns of the corps.

SEC. 7. *And be it further enacted*, That the commissions of the officers now in the Marine Corps shall not be vacated by this act, and that the President of the United States may, during the recess of the Senate, first by promotions according to rank and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

SEC. 8. *And be it further enacted*, That the President be and he is hereby, authorized to prescribe such military regulations for the discipline of the Marine Corps, as he may, in his judgment, deem expedient.

SEC. 9. *And be it further enacted*, That so much of the fourth section of an act, passed the sixth day of July, in the year one thousand eight hundred and twelve, entitled "An act making further provision for the army of the United States, and for other purposes," or of any other act, as authorizes the President to confer brevet rank on such officers of the army or of the marine corps, as shall have served ten years in any one grade, shall be, and the same hereby is repealed; and so much of the second section of an act passed the sixteenth of April, one thousand eight hundred and eighteen, entitled "An act regulating the pay and emoluments of brevet officers," as may be applicable to the clause herein above repealed, shall be, and the same hereby is, also repealed: *Provided*, Nothing herein shall affect any right already acquired by ten years expired service to brevet rank.

SEC. 10. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

APPROVED, 30th June, 1834.

AN ACT to authorize the President of the United States to direct transfers of appropriations in the naval service, under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the application of the Secretary of the Navy, the President of the United States shall have authority, whenever, in his opinion, the contingencies of the public service may require it, at any period between the close of the year and the passage of the new naval appropriation bills, to direct that a part of the money appropriated for a particular branch of the naval service the former year, to be applied to another branch of the said service; in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress previous to its adjournment.

APPROVED, 30th June, 1834.

AN ACT to provide for rebuilding the frigate Congress.

Be it enacted, &c. That the sum of one hundred and eighty-one thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to rebuild the frigate Congress; and no part of said sum shall be carried to the surplus fund, notwithstanding any general provision in any other act to the contrary.

APPROVED, 30th June, 1834.

**PROCEEDINGS OF CONGRESS,
IN RELATION TO THE ARMY AND NAVY.**

SENATE.

THURSDAY, MAY 15.—The chair communicated a report from the Navy Department, made in compliance with the provisions of the act of February, 1811, showing the condition of the Naval Asylum at Philadelphia.

MONDAY, MAY 19.—**MR. BIBB** submitted the following: *Resolved*, that the Committee on Military Affairs be instructed to inquire into the expediency of giving suitable testimonials to Major George Croghan, (now a Colonel in the Army of the United States,) and to the officers and soldiers under his command, for their gallantry and good conduct in defending Fort Sandusky against the attack by the combined forces of British and Indians, during the last war. The resolution was agreed to.

FRIDAY, MAY 30.—The Senate then considered, as a committee of the whole, the bill for the better organization of the Marine Corps; which was reported without amendment. On motion of **MR. BIBB**, the bill was amended by the introduction of a new section, abolishing hereafter the right given to brevet rank by ten years' service in the Army generally, as well as the Marine Corps. The amendment affects all who have not actually served ten years, and thus completed their right, under the existing act, to brevet rank.

THURSDAY, JUNE 26.—**MR. SOUTHARD**, from the committee on Naval Affairs, reported a bill concerning navy pensions; which was read, and ordered to a second reading. Afterwards read by unanimous consent, the second and third times, and passed.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, APRIL 30.—**MR. R. M. JOHNSON**, from the committee on Military Affairs, reported a joint resolution giving the right of way, through the property of the United States at Harper's Ferry, to the Winchester and Potomac Rail Road Company, accompanied by a report in writing.

WEDNESDAY, MAY 7.—**MR. GAMBLE** submitted the following: *Resolved*, that the Secretary of War be directed to communicate to this House the whole number of Cadets that have been admitted to the Military Academy at West Point since its first organization to the present time; how many are there at present; the number that have graduated; how many have been commissioned, and are now in commission, in the Army; and the number that is necessary to be kept there to supply the vacancies that ordinarily occur in the Army; also the number of supernumerary cadets, with the rank of lieutenant, who are in the pay of the Government, and not in command.

MONDAY, MAY 12.—The bill making appropriations for the Army having been returned from the Senate, with some amendments thereto, the House, by consent, took it up, and went into committee of the whole, **MR. BRIGGS** in the chair. The amendments were concurred in, and the bill, as amended, reported to the House and agreed to.

TUESDAY, JUNE 10.—**MR. PARKER**, from the committee on Naval Affairs, reported a bill to establish rations for the Navy; which was twice read and committed.

TUESDAY, JUNE 24.—**MR. C. P. WHITE**, from the Committee on Naval Affairs, reported, with an amendment, the bill from the Senate authorizing a sum of money to be distributed among the officers and crew of the late private armed brig *General Armstrong*.

FRIDAY, JUNE 27.—**MR. GRAYSON**, from the Committee on Naval Affairs, reported a bill to provide for the establishment of a navy yard in the City of Charleston, in South Carolina, accompanied by a report in detail. **MR. WATMOUGH**, by leave, presented a memorial of sundry Surgeons and Assistant Surgeons in the Navy of the United States, met together in the city of Philadelphia, remonstrating against the unequal and unjust bearing upon their class, of the new code of regulations recently prepared for the Navy; which memorial was referred to the Committee on Naval Affairs.

ORDER, }
No. 49. }

HEAD QUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, July 9th, 1834.

1....Promotions and Appointmens in the Army, by the President of the United States, by and with the advice and consent of the Senate, since the publication of the official *Register* for 1834.

I....PROMOTIONS.

REGIMENT OF DRAGOONS.

Brevet Second Lieutenant William Eustis, to be Second Lieutenant, 17th March, 1834, vice Bradford, deceased, (brevet 1st July, 1830.)

Brevet Second Lieutenant George W. McClure, to be Second Lieutenant, 31st May, 1834, vice Clyman, resigned, (brevet 1st July, 1830.)

FIRST REGIMENT OF ARTILLERY.

First Lieutenant Joshua Howard, to be Captain, 6th March, 1834, vice Patrick, deceased.

Second Lieutenant Ebenezer S. Sibley, to be First Lieutenant, 6th March, 1834, vice Howard, promoted.

Second Lieutenant William Maynadier, to be First Lieutenant, 31st May, 1834, vice Tyler, resigned.

Brevet Second Lieutenant David B. Harris, to be Second Lieutenant, 6th March, 1834, vice Sibley, promoted, (brevet 1st July, 1833.)

Brevet Second Lieutenant Erastus A. Capron, to be Second Lieutenant, 31st May, 1834, vice Maynadier, promoted, (brevet 1st July, 1833.)

SECOND REGIMENT OF ARTILLERY.

Second Lieutenant John B. Grayson, to be First Lieutenant, 30th April, 1834, vice Fowler, deceased.

Brevet Second Lieutenant Ward B. Burnett, to be Second Lieutenant, 1st April, 1834, vice Cocke, resigned, (brevet 1st July, 1832.)

Brevet Second Lieutenant Theophilus F. J. Wilkinson, to be Second Lieutenant, 30th April, 1834, vice Grayson, promoted, (brevet 1st July, 1832.)

SECOND REGIMENT OF INFANTRY.

Brevet Second Lieutenant Elbridge G. Eastman, to be Second Lieutenant, 4th March, 1834, vice Simonton, appointed First Lieutenant of the Regiment of Dragoons, (brevet 1st July, 1831.)

THIRD REGIMENT OF INFANTRY.

Second Lieutenant Edwin B. Babbitt, to be First Lieutenant, 31st March, 1834, vice Archer, resigned.

Brevet Second Lieutenant William O. Kello, to be Second Lieutenant, 11th January, 1834, vice Cobb, deceased, (brevet 1st July, 1832.)

Brevet Second Lieutenant Henry Swartwout, to be Second Lieutenant, 31st March, 1834, vice Babbitt, promoted, (brevet 1st July, 1832.)

FOURTH REGIMENT OF INFANTRY.

Brevet Second Lieutenant Frederick Wilkinson, to be Second Lieutenant, 18th February, 1834, vice Ritner, deceased, (brevet 1st July, 1831.)

Brevet Second Lieutenant William W. S. Bliss, to be Second Lieutenant, 31st March, 1834, vice McKean, resigned, (brevet 1st July, 1833.)

SIXTH REGIMENT OF INFANTRY.

Brevet Second Lieutenant James S. Williams, to be Second Lieutenant, 31st May, 1834, vice Johnston, resigned, (brevet 1st July, 1831.)

SEVENTH REGIMENT OF INFANTRY.

First Lieutenant Francis Lee, to be Captain, 31st May, 1834, vice Bonneville, dropped.

Second Lieutenant Gabriel J. Rains, to be First Lieutenant, 28th January, 1834, vice Williams, appointed Assistant Topographical Engineer.

Second Lieutenant Stephen W. Moore, to be First Lieutenant, 31st May, 1834, vice Lee, promoted.

Brevet Second Lieutenant Roger S. Dix, to be Second Lieutenant, 28th January, 1834, vice Rains, promoted, (brevet 1st July, 1832.)

Brevet Second Lieutenant Richard C. Gatlin, to be Second Lieutenant, 31st May, 1834, vice Moore, promoted, (brevet 1st July, 1832.)

2—Promotions by Brevet, conferred for ten years' service in one grade; or for faithful and meritorious service.

BRIGADIER GENERALS BY BREVET.

Colonel Duncan L. Clinch, 4th Reg't of Inf'y, to take rank 20th April, 1829.

Colonel Matthew Arbuckle, 7th Reg't of Inf'y, to take rank 16th March, 1830.

Colonel James House, 1st Regiment of Artillery, to take rank 8th May, 1832.

Colonel Roger Jones, Adjutant General, to take rank 7th June, 1832.

Brevet Colonel Abram Eustis, 4th Regiment of Artillery, 30th June, 1834.

Colonel Nathan Towson, Paymaster General, 30th June, 1834.

COLONELS BY BREVET.

Colonel Zach. Taylor, 1st Reg't of Infantry, to take rank 20th April, 1829.

Lieut. Colonel James B. Many, 7th Reg't of Inf'y, to take rank 1st June, 1831.

LIEUTENANT COLONELS BY BREVET.

Major Henry Stanton, Quartermaster, to take rank 13th May, 1830.

Major R. E. DeRussey, Corps of Engineers, for faithful service, and meritorious conduct, 30th June, 1834.

Brevet Major Henry Whiting, 1st Regiment of Artillery, for faithful and meritorious services, 30th June, 1834.

MAJORS BY BREVET.

Major Trueman Cross, Q. M. and Captain 7th Regiment of Infantry, to take rank 16th June, 1828.

Captain Thomas F. Hunt, 5th Reg't of Infantry, to take rank 16th June, 1828.

Captain Waddy V. Cobbs, 2d Reg't. of Infantry, to take rank 31st March, 1829.

Captain Gustavus Loomis, 1st Reg't. of Infantry, to take rank 7th April, 1829.

Captain Henry Wilson, 4th Reg't. of Infantry, to take rank 20th April, 1829.

Captain Thomas F. Smith, 1st Reg't. of Infantry, to take rank 25th April, 1829.

Captain Richard M. Sands, 4th Reg't of Infantry, to take rank 30th April, 1829.

Captain William Hoffman, 2d Reg't. of Infantry, to take rank 1st May, 1829.

Major R. B. Mason, Regiment of Dragoons, to take rank 31st July, 1829.

Captain Joseph S. Nelson, 3d Reg't of Infantry, to take rank 13th Aug. 1829.

Captain Fabius Whiting, 1st Reg't of Artillery, to take rank 10th Sept. 1829.

Captain Greenleaf Dearborn, 2d Reg't of Infantry, to take rank 30th Sept. 1829.

Captain Felix Ansart, 3d Reg't. of Artillery, to take rank 28th November, 1829.

Captain Thos. Staniford, 2d Reg't. of Infantry, to take rank 1st March, 1830.

Captain Thos. C. Legate, 2d Reg't. of Artillery, to take rank 13th May, 1830.

Captain John L. Smith, Corps of Engineers, to take rank 29th August, 1830.

Captain Joseph Plympton, 5th Reg't. of Infantry, to take rank 1st June, 1831.

Captain Wm. G. Belknap, 3d Reg't. of Infantry, to take rank 1st Feb'y, 1832.

Captain Delafayette Wilcox, 5th Reg't. of Inf'y, to take rank 1st April, 1832.

Capt. Levi Whiting, 4th Regiment of Artillery, to take rank 21st May, 1832.

Captain Isaac Clark, 6th Reg't. of Infantry, to take rank 27th August, 1832.

Captain Æneas Mackay, 3d Reg't of Artillery, to take rank 31st Dec. 1832.

Captain Benjamin A. Boynton, 2d Reg't. of Inf'y, to take rank 8th Jan'y, 1833.

Captain Owen Ransom, 2d Reg't. of Infantry, to take rank 25th January, 1833.

Brevet Major Wm. G. McNeil, Top Engineer, to take rank 27th Jan'y, 1833.

Captain Wm. L. McClintock, 3d Reg't of Art'y, to take rank 11th Aug. 1833.

Captain John L. Gardner, 4th Reg't Artillery, to take rank 1st Nov. 1833.

Captain Henry Saunders, 1st Reg't of Artillery, to take rank 4th Nov. 1833.

Captain N. Baden, 2d Regiment of Artillery, to take rank 1st April, 1834.

Captain William W. Lear, 4th Reg't. of Infantry, to take rank 1st May, 1834.

Captain Nathaniel Clarke, 5th Reg't. of Infantry, to take rank 29th June, 1834.

Captain George Blaney, Corps of Engineers, to take rank 30th June, 1834.

CAPTAINS BY BREVET.

Capt. Jac. Schmuck, 4th Regiment of Artillery, to take rank 25th July, 1824.
 Captain Richard Bache, of Ordnance, to take rank 15th June, 1827.
 First Lieutenant Thomas J. Leslie, Corps of Engineers, to take rank 31st March, 1829.
 Captain Seth Johnson, 2d Regiment of Infantry, to take rank 1st May, 1829.
 First Lieutenant Henry S. Mallory, 2d Regiment of Artillery, to take rank 31st May, 1829.
 Captain William M. Graham, 4th Regiment of Infantry, to take rank 11th August, 1829.
 First Lieutenant William Wells, 2d Regiment of Artillery, to take rank 28th August, 1829.
 Brevet Captain James D. Graham, Assistant Top. Engineer, to take rank 8th September, 1829.
 First Lieutenant John R. Vinton, 3d Regiment of Artillery, to take rank 30th September, 1829.
 First Lieutenant Richard B. Lee, 3d Regiment of Artillery, to take rank 31st October, 1829.
 Captain John Clitz, 2d Regiment of Infantry, to take rank 31st Dec'r. 1829.
 Captain S. Shannon, 1st Regiment of Infantry, to take rank 23d Feb'y. 1830.
 Captain John Symington, of Ordnance, to take rank 17th May, 1830.
 Capt. J. M. Washington, 4th Reg't. of Artillery, to take rank 23d May, 1830.
 Captain Andrew Talcott, Corps of Engineers, to take rank 1st October, 1830.
 Captain H. H. Loring, 3d Reg't. of Infantry, to take rank 17th October, 1830.
 Capt. E. K. Barnum, 2d Reg't. of Infantry, to take rank 31st December, 1830.
 First Lieutenant Samuel Cooper, 4th Regiment of Artillery, to take rank 6th July, 1831.
 First Lieutenant Harvey Brown, 4th Regiment of Artillery, to take rank 23d August, 1831.
 First Lieutenant Samuel Ringgold, 3d Regiment of Artillery, to take rank 8th May, 1832.
 First Lieut. Charles Ward, 4th Reg't. of Artillery, to take rank 20th July, 1832.
 First Lieutenant John Bradley, 2d Regiment of Infantry, to take rank 2d October, 1832.
 First Lieutenant W. S. Newton, 3d Regiment of Artillery, to take rank 31st December, 1832.
 First Lieutenant H. A. Thompson, 4th Regiment of Artillery, to take rank 31st December, 1832.
 Capt. Giles Porter, 1st Reg't. of Artillery, to take rank 1st February, 1833.
 First Lieutenant A. W. Thornton, 4th Regiment of Infantry, to take rank 25th April, 1833.
 Capt. Joshua Howard, 1st Reg't. of Artillery, take rank 1st November, 1833.
 First Lieutenant David Van Ness, 1st Regiment of Artillery, to take rank 4th November, 1833.
 First Lieut. Justin Dimick, 1st Reg't. of Artillery, to take rank 1st May, 1834.
 First Lieut. C. A. Ogden, Corps of Engineers, to take rank 30th June, 1834.

FIRST LIEUTENANTS BY BREVET.

First Lieutenant William C. DeHart, 2d Regiment of Artillery, to take rank 1st July, 1830.
 First Lieutenant James A. Chambers, 2d Regiment of Artillery, to take rank 1st July, 1830.
 First Lieutenant Julius A. d'Lagnel, 2d Regiment of Artillery, to take rank 1st July, 1831.

II....APPOINTMENTS.

STAFF.

John S. Lytle, Ohio, to be Paymaster, 27th February, 1834.
 John B. Wells, Maryland, to be Assistant Surgeon, 1st February, 1834.
 John M. Cuyler, Georgia, to be Assistant Surgeon, 1st April, 1834.
 Madison Mills, New York, to be Assistant Surgeon, 1st April, 1834.
 William Hammond, Maryland, to be Assistant Surgeon, 1st June, 1834.

TOPOGRAPHICAL ENGINEERS.

Brevet Captain William G. McNeil, Assistant Topographical Engineer, to be Topographical Engineer, with the brevet rank of Major, to rank from the 28th January, 1834, vice Perrault, deceased.

First Lieutenant William G. Williams, late of the 7th Regiment of Infantry, to be Assistant Topographical Engineer, with the brevet rank of captain, to rank from the 28th of January, 1834, vice McNeil, promoted.

MILITARY ACADEMY.

Robert W. Weir, N. Y., to be Teacher of Drawing at the Military Academy, 8th May, 1834.

REGIMENT OF DRAGOONS.

Second Lieutenant Isaac P. Simonton, of the 2d Regiment Infantry, to be First Lieutenant of Dragoons, 4th March, 1833, vice Moore, of the 7th Infantry, declined.

Second Lieutenant Albert M. Lea, of the 7th Regiment of Infantry, to be Second Lieutenant of Dragoons, 4th March, 1833, vice Holmes, of the 7th Infantry, declined.

3.... The following named Cadets, constituting the first class of 1834, having been adjudged by the Academic Staff at the June examination, competent to perform duty in the Army, the President of the United States has attached them as supernumerary Second Lieutenants, by brevet, to regiments and corps respectively, as candidates for commissions therein.

CORPS OF ENGINEERS.

Rank.

1. Cadet William Smith, of New York, to be brevet 2d Lieut. 1st July, 1834.
2. Cadet John Sanders, of Florida, to be brevet Second Lieut. 1st July, 1834.

REGIMENT OF DRAGOONS.

21. Cadet Henry S. Turner, of Virginia, to be brevet 2d Lieut. 1st July, 1834.

FIRST REGIMENT OF ARTILLERY.

4. Cadet Thomas A. Morris, of Indiana, to be brevet 2d Lieut. 1st July, 1834.
5. Cadet Robert Allen, of Maryland, to be brevet 2d Lieut. 1st July, 1834.
7. Cadet Epaphras Kirby, of Ohio, to be brevet Second Lieut. 1st July, 1834.
9. Cadet John F. Lee, of Virginia, to be brevet Second Lieut. 1st July, 1834.
12. Cadet C. B. Chalmers, of D. Columbia, to be brevet 2d Lieut. 1st July, 1834.
16. Cadet L. A. B. Walbach, of United States, to be brevet Second Lieutenant, 1st July, 1834.

SECOND REGIMENT OF ARTILLERY.

3. Cadet Harrison Loughborough, of Kentucky, to be brevet Second Lieutenant, 1st July, 1834.
6. Cadet James Duncan, of New York, to be brevet 2d Lieut. 1st July, 1834.
8. Cadet William T. Stockton, of Pennsylvania, to be brevet Second Lieutenant, 1st July, 1834.
11. Cadet Curran Pope, of Kentucky, to be brevet 2d Lieut. 1st July, 1834.
13. Cadet John E. Henderson, of Tennessee, to be brevet Second Lieutenant, 1st July, 1834.

THIRD REGIMENT OF ARTILLERY.

10. Cadet Chs. A. Fuller, of Massachusetts, to be brevet Second Lieutenant, 1st July, 1834.
14. Cadet Morris S. Miller, of New York, to be brevet 2d Lieut. 1st July, 1834

FOURTH REGIMENT OF ARTILLERY.

5. Cadet Wm. G. Freeman, of Virginia, to be brevet 2d Lieut. 1st July, 1834.
35. Cadet Wm. H. Price, of Pennsylvania, to be brevet 2d Lieut. 1st July, 1834.

SECOND REGIMENT OF INFANTRY.

30. Cadet Richard S. Smith, of Pennsylvania, to be brevet Second Lieutenant, 1st July, 1834.

THIRD REGIMENT OF INFANTRY.

17. Cadet James F. Cooper, of Pennsylvania, to be brevet Second Lieutenant, 1st July, 1834.
 19. Cadet George P. Field, of New York, to be brevet 2d Lieut. 1st July, 1834.
 20. Cadet Cary H. Fry, of Kentucky, to be brevet 2d Lieut. 1st July, 1834.
 23. Cadet Thomas O. Barnwell, of South Carolina, to be brevet Second Lieutenant, 1st July, 1834.
 26. Cadet Joseph L. Coburn, of Vermont, to be brevet 2d Lieut. 1st July, 1834.
 28. Cadet Philip N. Barbour, of Kentucky, to be brevet 2d Lieut. 1st July, 1834.

FOURTH REGIMENT OF INFANTRY.

31. Cadet Eustace Robinson, of Virginia, to be brevet 2d Lieut. 1st July, 1834.
 34. Cadet John Graham, of New York, to be brevet 2d Lieut. 1st July, 1834.

FIFTH REGIMENT OF INFANTRY.

25. Cadet Goode Bryan, of Georgia, to be brevet Second Lieut. 1st July, 1834.

SIXTH REGIMENT OF INFANTRY.

32. Cadet William S. Ketchum, of United States, to be brevet Second Lieutenant, 1st July, 1834.

SEVENTH REGIMENT OF INFANTRY.

18. Cadet Gabriel R. Paul, of Missouri, to be brevet 2d Lieut. 1st July, 1834.
 22. Cadet Seneca G. Simmons, of Vermont, to be brevet 2d Lieut. 1st July, 1834.
 24. Cadet Henry McKavett, of N. York, to be brevet 2d Lieut. 1st July, 1834.
 27. Cadet James G. Reed, of Pennsylvania, to be brevet 2d Lieut. 1st July, 1834.
 29. Cadet Arnold Harris, of New York, to be brevet 2d Lieut. 1st July, 1834.
 33. Cadet Forbes Britton, of Virginia, to be brevet 2d Lieut. 1st July, 1834.
 36. Cadet Alex. Montgomery, of Pennsylvania, to be brevet Second Lieutenant, 1st July, 1834.

III....CASUALTIES.

RESIGNATIONS.

FIRST LIEUTENANTS.

Daniel Tyler, 1st Artillery, 31st May, 1834.
 John Archer, 3d Infantry, 31st March, 1834.

SECOND LIEUTENANTS.

James Clyman, Dragoons, 31st May, 1834.
 Thomas J. McKean, 4th Infantry, 31st March, 1834.
 Albert S. Johnson, 6th Infantry, 31st May, 1834.
 Henry Du Pont, (brevet,) 4th Artillery, 15th June, 1834.
 Asher Phillips, 17th January, 1834—Paymaster.
 Lucius Abbott, 31st March, 1834—Assistant Surgeon.
 Richard Wayne, 31st January, 1834—Assistant Surgeon.
 Charles W. Handy, 31st May, 1834—Assistant Surgeon.
 C. R. Leslie, 15th April, 1834—Teacher of Drawing M. A.

DECLINED.

First Lieutenant Stephen W. Moore, of the Regiment of Dragoons.
 Second Lieutenant Theop. H. Holmes, of the Regiment of Dragoons.

DEATHS.

Brevet Major P. H. Perrault, Topographical Engineer, 28th January, 1834.
 Captain Matthew A. Patrick, 1st Artillery, 6th March, 1834.
 First Lieutenant Abram. C. Fowler, 2d Artillery, 30th April, 1834.
 Second Lieutenant William Bradford, Dragoons, 17th March, 1834.
 Second Lieutenant Samuel K. Cobb, 3d Infantry, 11th January, 1834.
 Second Lieutenant Joseph Ritner, 4th Infantry, 18th February, 1834.

DROPPED.

Captain B. L. E. Bonneville, 7th Infantry, 31st May, 1834.

4....The officers *promoted* and *appointed*, will report accordingly, and join their proper stations and companies without delay; those on detached service, or acting under special orders and instructions, will report by letter to their respective Colonels.

5....The Brevet Second Lieutenants will *join* their respective regiments, and report in person for duty, agreeably to regulations, by the 15th day of *October*; and immediately, by letter, to their respective Colonels, who will assign them to companies.

BY ORDER OF ALEXANDER MACOMB,

MAJOR GENERAL COMMANDING IN CHIEF:

ROGER JONES,
Adjutant General.

MEMORANDA.

ARMY REGISTER—*Correction and alteration of dates.*

First Lieutenant Timothy Paige, 4th Infantry, to rank from 4th March, 1833, vice Trenor, appointed Captain of Dragoons.

Second Lieutenant Bradford R. Alden, 4th Infantry, to rank from 15th September, 1833, vice Harford, resigned.

Second Lieutenant Daniel P. Whiting, 7th Infantry, to rank from 15th December, 1833, vice Carter, promoted.

Second Lieutenant Roger S. Dix, 7th Infantry, to rank from 28th January, 1834, vice Rains, promoted.

In the caption, at page 4, in the place of "Former Commissions," substitute the words—*Brevets and former Commissions.*

ROGER JONES,
Adjutant General.

U. S. SCHOONER GRAMPUS.

Some time in May last, a report was published in the newspapers, and had a general circulation, that the U. S. Schooner Grampus, on her outward passage from Norfolk to the West Indies, had thrown her guns overboard during a very severe gale of wind. We are not able now to trace this report to its source, as we keep no files of newspapers and receive very few.

A writer * in the Pensacola Gazette of July 5, (which paper we did not receive until the 13th August,) is quite indignant that such a report should have gained admittance into the Magazine, which is published at Washington, where better and authentic information could have been obtained. It is a sufficient answer to this, to say, what must be known to many, that much intelligence concerning our squadrons abroad reaches the public without being officially reported to the Department. In the case of Grampus, seeing the statement copied without contradiction, we had no suspicion that it was not correct.

We will here take occasion to remark, that we have made strong and repeated efforts to obtain a regular correspondent on board every vessel in commission; that we have invited officers to furnish us, with the latest advices of what occurs abroad, interesting to be known at home. If they would take the trouble to give us correct information, we should then not incur the risk of giving to the public that which is incorrect; but if they will not do this, and it is a matter altogether within their own option, we must be content to pick up such as we can find, though we would not be understood as vouching for the truth of all that we hear and see.

* Probably one of the officers attached to the Grampus.

STAFF OF THE ARMY.

TO THE EDITOR OF THE MILITARY AND NAVAL MAGAZINE.

SIR:—In your June number, I perceive two communications, one signed Marcellus, and the other R. Jones, in relation to the staff of the army, in answer to mine on the same subject, inserted in your number of the previous month. Marcellus acknowledges himself author of the remarks on the right of commissioned and superior staff officers to retain their rank in the line, which appeared in your number for March, and states that, were it not for the formidable array of names, &c., he would have allowed *my* remarks to pass unnoticed. He then commences with a quotation from Junius to Sir William Draper. I must confess, I do not see the relevancy of introducing such a correspondence in the present case, either in support of his own argument, or in refutation of mine. Their correspondence is celebrated for elegance of composition, but characterized by great asperity of feeling and great personal animosity. In the present case it is directly the reverse; I entertain no asperity, no prejudice, no animosity, towards Marcellus or Colonel Jones. My disclaimer of such a feeling is on record in my last communication, and the whole tenor of it, I trust, will be an evidence of the assertion. Neither the taste, the style of writing, nor the talents of the writer, are alluded to by me; I consider these as subjects foreign to the present discussion. I repeat I have but “one object in view.” It is a mere question as to the legality or illegality of the tenure of an office by an individual. I do not impugn the motives of Colonel Jones in attempting to retain his rank in the line of the army; on the contrary, I believe he is conscientious in his opinions that he has right to retain it. I am of a different opinion. It is therefore with me merely a question of right or wrong. From the frequency of the repetition of the “one object in view,” by one of the writers, the reader may be led to suppose that I had various objects in view; I acknowledge I have but “one object in view.” I make these remarks in order that the writer may be under no misapprehension on that subject.

One of the writers says, that he is glad to discover the “hinge” on which this “long invoked decision” turns; namely, the law of 1821 makes no provision for the Adjutant General to retain his rank in the line of the army; and “the absence of such a provision is tantamount to a positive law to the contrary;” and the other exclaims, under “whose letters patent” does the writer find this rule of construction; and then both ask me under what law invalid pensions are paid, brevets conferred, &c., the law of 1821 making no provision for either. These interrogatories are easily answered, even without the authority which they have had the goodness to furnish me. The law of 1821 does not repeal or change the law of 1815, in relation to allowances made to invalid pensioners, nor does it repeal or change the power of the President and Senate to confer brevets; nor does it repeal or change the Executive power to alter the army regulations. The opinions of Mr. Wirt, presented by the writer, accord with my own on this subject. In the cases above referred to, there was no virtual, no implicative repeal of the act of 1815, by the subsequent act of 1821, and no “inevitable repugnance” of the one to the other. The above is not a subject of agitation or discussion, but it might be considered uncourteous in me not to respond to their interrogatories when there was no difficulty in doing it, as they themselves had furnished me with the very best authority in support of my own opinions on that subject. We all agree in opinion with Mr. Wirt, that there was no change or repeal of the law of 1815 by the subsequent act of 1821, in relation to invalid pensions, &c.; that question is therefore answered and disposed of.

We now come to the main and only question, whether the act of 1821 was a repeal and change of the law of 1815 and 1816, in relation to the numerical strength and organization of the army. Mr. Calhoun expresses to Major Cross, when about to compile and publish the military laws of the United States, that “it is desirable, for the sake of practical convenience, to distinguish such acts as have been repealed by subsequent enactments,” and where the repeal is obvious to make a remark to that effect. Accordingly, there are notes in Major Cross’

compilation, published by the authority of Mr. Calhoun, then Secretary at War, announcing that the acts of 1815, 1816 and 1818, which relate to the organization of the army, are "*superseded*" by the provisions of the act of the 2d March, 1821. If the act of 1821 was not a repeal of the act of 1815, all the officers and soldiers who were disbanded in 1821 are still in the army, and entitled to their pay and allowances, and they would continue to draw it, were it not for the absence of a provision of the law to that effect in the act of the 2d March, 1821; and the absence of such a provision is tantamount to a positive law to the contrary. There is no law that the disbanded officers of 1821, should not continue to draw their pay after being disbanded, and if the absence of such a provision is not tantamount to a positive law to the contrary, they would still, according to Marcellus, be entitled to their pay and allowances. The present Commander-in-Chief of the army, when appointed to his present station, was a Colonel of Engineers, and he *ought*, according to the reasoning of the writers, to have retained his Colonelcy of Engineers; the absence of a provision to that effect is tantamount to a positive law to the contrary. His appointment of Colonel of Engineers was therefore vacated on his accepting a superior office. Why did not Colonel Bomford, on being appointed a Colonel of Ordnance, retain his Lieutenant Colonelcy of Artillery? and why did not Lieut. Col. Kearny, on accepting his appointment in the Dragoon Corps, retain his Majority of Infantry? It was because there was an absence in the provision of the law to that effect, and the absence of such a provision is tantamount to a positive law to the contrary. I trust that my construction of the law, in the cases to which I refer, will be pronounced a sound construction by the most able jurists in the country.

As the authors of the two communications have referred to the opinion of the Attorney General, in relation to pensions, conferring brevet rank, &c., as conclusive on those subjects, the Attorney General being at Washington, why do they not obtain and publish his opinion in relation to the case of Colonel Jones? The opinion of the Attorney General in favor of Colonel Jones' retaining his rank, would supersede the necessity of any further remarks on the part of either of us, particularly on my part.* The law of 1815 authorized an army of about 10,000 men. The law of 1821 reduced it to about 5,000. No one can doubt, I presume, that the law of 1821 was therefore a change and virtual repeal of the law of 1815 and 1816, in relation to the numerical strength and organization of the army. The order of the Government, announcing its decision that the officers of the staff, deriving rank therefrom, could not hold their rank in the line of the army, is a fact which I had supposed was in possession of every officer of the army. The fact that no one of the seven staff officers alluded to in my former communication did retain their lineal rank, in the line of the army, is sufficient to support my premises and my argument. Lieut. Col. Wool, of the 6th regiment, upon entering upon the duties of Inspector General, under the law of 1821, was obliged to vacate his place in the line of the army; and Captain Gadsden, of the Corps of Engineers, under the law of 1821, on entering on the duties of Adjutant General, vacated his place in the Corps of Engineers. All law is imperative. It operates generally. It leaves not to individuals options; it allows or disallows. "It commands what is right and prohibits what is wrong." In relation to General Atkinson, Marcellus states, that it was a question whether he "*should*" hold two places. A question of "*expediency*"—"*not of law*." Such an assertion is a severe commentary upon the high functionaries of the country. Such a rule of action, if adopted, would supersede the necessity of any legislation.

I still think that the captaincy of artillery by Colonel Jones, on his accepting the appointment of Adjutant General in 1825, was, to all intents and purposes, vacated; and that his subsequent promotion to a majority of the 2d artillery in 1827, was an oversight in the Government. I believe that the conferring of two distinct offices, and two distinct commissions, which have no connexion with each other, and the duties of which are incompatible and impossible by the same individual,—the one necessarily a mere "*locum tenens*"—is directly con-

* It was this observation which induced us to suppose that the writer, after reading the opinion of the Attorney General, would "consider the publication of his remarks unnecessary."—EDITOR.

trary to the genius of our institutions and the laws of the land. If Colonel Jones, as I stated before, can legally hold his majority of artillery, I can see no reason why himself or his heirs should not draw the pay and allowances attached to the office; because Congress have not, to my knowledge, created an office and invested an individual with the commission and possession of it, and afterwards deprived him of the emoluments. The same clause of the law of 1821 creates an Adjutant General and two Inspectors General, all three with the rank, pay and emoluments of colonels of cavalry, giving to them rank, pay and emoluments superior to those which they held in the line of the army, and independent of them both as to pay and duties. Upon what principle then was Lieut. Col. Wool forced to vacate his appointment in the 6th Infantry, and Captain Gadsden to vacate his appointment in the Corps of Engineers,—the one as Inspector General, and the other as Adjutant General of the army, under the law of 1821; when Colonel Jones, under the same law of 1821, is enabled to hold two distinct commissions and appointments, which were denied to his two predecessors, General Atkinson and General Gadsden, and to General Wool under precisely similar circumstances? The organization of the army, announced in orders by the President of the United States in June 1821, under the act of the 2d March, 1821, we presume, was in compliance with the law, and we are confirmed in that belief by the legislative act of Congress, subsequently appropriating pay, emoluments and allowances to twelve field officers of artillery, twenty-one field officers of infantry, doing duty with their regiments; and in addition, for the pay, allowances and emoluments of the seven staff officers above alluded to, not doing any other than staff duty, and holding no rank in the line of the army. Now if the two writers can maintain their position, it will prove that the Executive and the Congress itself was mistaken, as to the construction of the law which they themselves had made. And that the President had retained a surplus of seven officers in the numerical strength of the army, contrary to the provisions of the act of 1821. The Executive retained forty officers where he should only have retained thirty-three. One of the writers states that I have confined myself to the case of a single individual, instead of attempting to illustrate an abstract principle; in answer to which I have only to say, that I know of no other officer in the army, with the exception of Col. Jones, who retains his superior staff rank and his lineal rank at the same time, under the law of 1821; hence my being obliged to refer to his case alone. It was therefore to illustrate an abstract principle. If there are other individuals in the army similarly situated, my remarks in relation to him are applicable to them. Marcellus still denies any difference between the superior and inferior staff officers, and protests against what he calls my "new born distinctions." The distinctions were made by the framers of the Constitution, upon which all laws in this country are founded. I shall therefore continue to make a distinction between superior officers and inferior appointments. Superior officers are made by the President and Senate, and inferior appointments by the Heads of Departments, &c., without reference to the President and Senate. The law affixes no rank to the *appointment* of inferior staff officers, but makes a special provision for the retention of their lineal rank. The law affixes to the appointment of the superior staff officers a high and specific rank, and full commission, pay and emoluments, and makes no provision for their retaining their lineal rank. It is the custom and common law of the country that the acceptance of a superior office vacates the minor or inferior. Hence the absence of all provision to hold both is tantamount to a law to the contrary.

On the 17th May, 1821, the President of the United States announced in orders, a list of officers who should, according to the law of 1821, constitute the peace establishment of the army, from and after the first of June, 1821, among whom were the following staff officers: Jesup, quartermaster general,—Atkinson, adjutant general,—Wool, inspector general,—Gadsden, inspector general,—Gibson, commissary general,—Linnard, quartermaster,—Stanton, quartermaster,—seven in all, holding no rank in the line of the army; also, and in addition, thirty-three field officers of artillery and infantry, making all the regiments efficient and complete in their organization. The officers above alluded to, constitute forty in number. Now all must admit, that there is no clause in the law of 1821 vesting the Secretary at War, or the President of the U. S., with discretionary power, to increase or diminish the numerical strength of the army. The

exact number of officers is fixed by law, by the act of the 2d of March, 1821, as obviously as the exact number of non-commissioned officers, musicians, artificers and privates. President Monroe decided upon the law of 1821, that forty individuals were necessary to fill the forty offices above referred to. He promulgated that decision to the army and to the country, and named each individual to fill each separate office, and Congress confirmed that decision in the following session, by appropriating for the pay of forty individuals, occupying those offices. None of the general staff in June, 1821, made complaints that they had no places assigned them in the line of the army. No one even pretended to have a claim of assignment to, or retention of, lineal rank. The question then is, was the organization of the army, as published in general orders May 17, 1821, complete according to law? It never has been, and I presume will not now be doubted, that the law of 1821 was then strictly complied with. If the organization was then complete, and the exact number of officers required by law retained, how then can the law now be complied with, when the army is diminished in its numerical strength? when there are but thirty-nine officers, when the law requires forty? Hence it appears clear to me, that the retention of two offices by Colonel Jones renders the organization of the army incomplete, and consequently a violation of the law. The reduction and new organization of the army in 1821, was made upon the plan of Mr. Calhoun, and he may be considered the father of the present numerous and ponderous staff at Washington City. No one can doubt his ability to expound the law which he himself had framed; and his construction, by the concurrence of the President, was the exclusion of superior staff officers from regimental rank, as published in orders soon after the passage of the law. Superior staff officers, in fact, formed a corps under the immediate direction of the Secretary at War, with duties, commissions, pay and stations, separate and distinct from the officers of the line of the army. The ostensible reason for forming this independent staff corps, was that the integrity of regiments should, in no case, be invaded by the withdrawal of its field officers from their regiments to perform staff duties. It would be a strange mutilation of regiments, to draw all the field officers to Washington to perform staff duties.

A remark in relation to the last part of the last paragraph of the communication of R. Jones. I have no desire to annihilate the rights of any officer. On the contrary, governed by principles of justice, I would defend those whose rights are invaded, and, for the same reason, I would support those who are in pursuit of their just claims. I repeat, that I have but one object in view, to demolish the foundation of that position which supports the claim of Colonel Jones to retain his rank in the line of the army. I am conscientious in the belief that it is wrong, not sanctioned by justice or law; and that Col. Jones "must see, as he draws more near, that through the mist of his horizon," he has seized upon, and holds, with an innocent, no doubt, but tenacious grip, that "which not enriches him," but which, of right, belongs to, and is of inestimable value to his comrade; and having made this discovery, no one who knows Col. Jones can doubt, for a moment, that he will cheerfully surrender "*the prize*" to its lawful owner.

JUSTITIA FIAT, &c.

AUGUST 18th, 1834.

SIR:—I perceive in your number for August, under the head of "Notices," that *Justitia Fiat* reached you too late in the month for insertion; and you further remark, "when the writer shall have read the opinion of the Attorney General, he will probably consider the publication of his remarks unnecessary." I consider the publication of my remarks more important since reading the opinion of the Attorney General, and I must therefore solicit its publication in your next number. The interest of the officers of the line of the army particularly demands it, and for the following reasons, which I wish you to publish, appended to my communication.

First—When Colonel Jones was nominated for Major of Artillery, it does not appear, that the fact was represented to the Senate, that he was then, by commission, a full colonel in the Army; we may therefore reasonably conclude that the Senate were deceived, and acted under a misapprehension of facts. The Attorney General states that, on the 22d of March, 1827, the President nominated

Captain Roger Jones, of the 3d Artillery, for promotion to the rank of Major in the 2d Artillery, vice Hindman, deceased. The important fact that he was then a full colonel by commission was not stated to the Senate. Under the description given, as simply captain of artillery, he was undoubtedly entitled to his promotion, and his appointment was thus confirmed by the Senate, and passed as in ordinary cases without discussion. But the description was incomplete and incorrect; hence the error of the Senate in confirming his nomination.

Second.—The question whether a *full colonel* in the army could be *promoted to a Majority* of artillery, and hold both offices, was not presented to the Senate. Had he been described to the Senate as Roger Jones, full colonel in the army under the law of the 2d March, 1821, and then drawing full pay and emoluments of colonel of cavalry, and under those circumstances, nominated for the appointment of major of artillery, then the *right* of Colonel Jones to hold *both* appointments would have been necessarily involved, and the question would have been *fairly* before the Senate.

Third.—The Attorney General has given no opinion as to the legal right of Colonel Jones to hold both appointments under the act of the 2d March, 1821. He states distinctly that the subject has not been discussed. The reason of there having been no discussion on the subject is obvious, the fact of his being a full colonel not having been stated to the Senate.

The right of Colonel Jones to retain both appointments is the true and only subject of discussion. I stated in my former communication, that I believed the nomination of Colonel Jones for major of artillery, to be an oversight on the part of the Government, and the history of the case by the Attorney General confirms me in that opinion. It is therefore important that the question at issue should be discussed and decided; namely, the legal right of Colonel Jones to retain both appointments under the act of the 2d of March, 1821, for the reduction and new organization of the army.

JUSTITIA FIAT.

WESTERN RECRUITING DEPOT.

We have been requested to insert the following correspondence, as an act of justice to the officers implicated, and as alike due to the cause of truth.

Correspondence of the New-York Mercantile [Advertiser] and Advocate.

ST. LOUIS, (Missouri,) July 12.

On the 4th of July, I embarked on the Steamboat Paul Jones, for this place. On the 5th, at three in the morning, one of our passengers was taken with the cholera. At five he died, aged sixty-one years. He was from Mason county, Kentucky. We buried him at Cincinnati—not a soul to follow the corpse but his nephew and myself. At 11, the boat landed at Newport on the Kentucky side, and took on board about 60 United States' recruits, for Jefferson Barracks, under command of Lieutenant Whiting. They were truly in a miserable condition—some in a state of intoxication—some so feeble with sickness as to be unable to walk; their clothing generally dirty, and no surgeon, music, or arms. The inhabitants of Newport had kindly given them an entertainment on the 4th of July. In this condition they came on board, and were handed in among 60 other steerage or deck passengers, mostly Dutch families, in a space of only 18 feet by 35, for 150 persons to cook, sleep and eat in, with a large stove in the centre, and only one camp kettle among all the soldiers. We now numbered about 200 souls—out of this number I found 53 had the cockpit, many of them sick with the dysentery. The thermometer at from 88 to 96. The soldiers had no change of clothing. They had lost several by cholera within a few days, and they had been encamped in the woods on account of their sickness. They had no information of marching until three hours before they came on board, and had no time to wash or prepare for the voyage.

The steward had some medicine, which he dealt out to the men—he informed me he had been a nurse in a hospital—he was very kind and attentive to the

wants of the men, as far as he knew what to do. On the 7th, we landed at Louisville, where the soldiers had permission to go on shore. The effect of this increased their thirst, and they continued to drink too freely of the rain water, which only increased their complaint. We now numbered forty-eight, whom I found to be laboring under the dysentery, grown males, without calculating women or children. On the 9th, we arrived at Smithland, mouth of Cumberland river. At four in the morning, William Van Voorhis was taken violently with cramps. Every thing was done that could be for him. We arrived at Paduca shore, got a physician on board. Soon after we left the place, and at about eleven, he died without a struggle. In the afternoon we rounded to, about twenty miles below, on the east bank of the Ohio, but on the Kentucky shore, and deposited his remains. He informed me, about an hour before his death, his name was William Van Voorhis, aged twenty-four years, of Montgomery, Orange county, New York. His father's name is Thomas. He enlisted at Pittsburgh. He bore an excellent character by his officers, and was of temperate habits. During the ceremony of interring him, a cabin passenger, Mr. Silas Mead, of Greenwich, Connecticut, became much alarmed, and on looking I found him shut up in the state room occupied by his brother and wife—he said he felt unwell—that he had some dysentery, and was very thirsty—I advised him to take some medicine, and not drink so freely of ice water—but he unfortunately refused the medicine and continued the water—at two o'clock in the morning, convulsions commenced and continued until one in the afternoon, when he died in the same manner as poor Van Voorhis, without a struggle.

We landed at Chester, on the east bank of the Mississippi and the west shore of Illinois, and got permission to bury him—engaged a man to make a coffin—also another to dig a grave—and they agreed to help the brother to bury him. It was necessary to make this arrangement, as it is sometimes the case that the inhabitants will not allow a person to be landed who died with this disease. I then had the body taken by four of the crew to a log cabin about 300 yards distant, to remain until the coffin would be made—and the brother, Horace Mead, and wife landed. I have much anxiety for the fate of his brother. He had been three years preparing to come to Illinois, with strong hopes of happiness and prosperity. We landed the troops at Jefferson Barracks on the 11th, many of them in a very feeble state. One other of our cabin passengers was taken badly, but he will, I think, recover. Three others have slight attacks. Capt. Purcell, of the S. B. had a very good medicine chest, which I have no doubt saved many lives.

N. B. The crops, through Western Maryland, Ohio, Kentucky, Tennessee, Indiana, and Illinois, are generally good—both corn and wheat.

HEAD QUARTERS RECRUITING SERVICE,
WESTERN DEPARTMENT, NEWPORT, KY.

August 7th, 1834.

To the Editor of the Cincinnati Democratic Intelligencer and Commercial Advertiser.

I. SIR:—We have just seen your paper of the 6th inst. which contains a letter purporting to have been written at St. Louis, Missouri, on the 12th ultimo, and to have been first published in the New York Mercantile Advertiser of the 28th of the same month. In justice to ourselves, to the army, and to the country, we brand this publication as a tissue of gross falsehoods from beginning to end; and what motives could have actuated the writer, it is impossible to conjecture.

II. We do not deem it necessary to follow this miserable paragraph maker through a long letter of calumnious falsehoods; we will content ourselves with that which can be proved by all Newport; that *it is not true* that the recruits embarked on the 5th day of July, the day succeeding the celebration of the 4th; *it is not true* that the recruits were intoxicated when embarked; *it is not true* that they were in a miserable situation; *it is not true* that a single recruit afflicted with disease (of any kind) embarked on the Paul Jones.

III. *It is not true* that the men were dirty and without a change of clothing; all of them had two pairs of cotton overalls, one cotton jacket, two shirts and a

full uniform coat and cap ; *many* of them had, in addition to the above articles, two pairs of woollen overalls and a woollen jacket, a forage or undress cap, and all of them boots and stockings ; in fine, they were *well* clothed—were *good* men, and embarked in high health and spirits.

IV. *It is not true* that there were 60 other “steerage or deck passengers” on board of the Paul Jones. It is true, (and we believe it to be the only truth in the letter relating to the troops,) that Corporal Van Voorhees died with cholera on the passage ; that he was kindly treated, that he bore a good character, while known to us, that he was a sober man—of good habits ; should this paper or that of the foul libeller ever reach the eyes, or its contents the ears of the father of Van Voorhees, he may rest assured that his son was respected in life and honored in death ; yes ! father of Van Voorhees—your son is dead—his comrades consigned his remains to earth on the east bank of the beautiful Ohio. He rests in the land of the brave—surrounded by the sons of Kentucky—his soul is in heaven, the last resting place of the just and brave.

V. Not so the mendacious writer of the letter from St. Louis—we will hold him up to the scorn of his country while life shall last, and when dead, his memory will be branded with that which in life he richly earned—our *pity* and *contempt*.

VI. Finally, it is proper to remark that, out of 58 recruits embarked here in this sickly season, but one man died, and he was, when embarked, the most likely to live of any one of the detachment.

VII. We request that you will, in justice to us, give this an insertion in your paper, and we also request, through your paper, the New York Mercantile Advertiser to do the same ; as well as all other papers in which the lies of the libeller may have been published.

We are, very respectfully,
Your obedient servants,

WM. S. FOSTER,
Lieut. Col. U. S. A., Commanding.

W. W. LEAR,

Major U. S. Army.

J. BENNETT,

Acting Surgeon.

JAMES ENGLE,

First Lieut. 5th U. S. Infantry.

D. P. WHITING,

Lieut. U. S. Army.

In addition to the above statement, I deem it necessary to state, as the officer commanding the detachment on the above mentioned passage, that from the time of embarkation until the recruits arrived at their destination, they were comfortably situated and provided for, cheerful and well contented, and that, with the exception of corporal Van Voorhees and private Cole, who was taken with the bilious fever after the start, not a case of sickness occurred among the troops, and but a few slight complaints, which, considering the season, were not surprising, and met with immediate remedy.

The writer of the said piece of *veracity*, would also imply by his remark, that the men had permission, *indiscriminately*, to leave the boat at Louisville.—Such was not the case—not more than eight or ten went on shore at all, and those by two or three at a time, and only when under charge of a non-commissioned officer, who was held responsible for their good behavior. The steward, Clifton, a soldier of the 1st infantry, instead of being a “*mere nurse*,” was an *old experienced* hospital steward, and a soldier of the army, and proved himself very useful and valuable during the passage, deserving warm approbation. He was furnished with the necessary medicines, and an ample quantity, by the Surgeon at Newport, Ky.

Respectfully, your obedient servant,

D. P. WHITING,

Lieut. U. S. Army, and Officer commanding the Detachment.

We certify that the above statement is correct in all its particulars—that the troops alluded to, received constant and assiduous attention as to their health,

comfort and convenience, from the officer commanding them, during the passage; and moreover, that there were not more than 25 deck passengers at farthest, beside the troops, on board the Paul Jones at the time.

BRISEN PURSEL,
Capt. S. B. Paul Jones.
GEORGE SHILLITO, Clerk.

To the Editor of the Cincinnati Democratic Intelligencer and Commercial Advertiser.

SIR:—Your paper of the 6th instant contains a letter dated at St. Louis, Missouri, on the 12th July last, copied from the New-York Mercantile Advertiser of the 28th of the same month, the contents of which reflect discreditably on the officers of the United States Army in service at this place, and upon the troops composing the detachment which left here on the 6th July, on board of the steam boat Paul Jones.

Apart from the common duty which we owe to each other as men and citizens of the United States of America, in protecting each other from unmerited and undeserved censure, we are not willing to see an attack wantonly made upon the reputation of men, some of whom, during the *last war*, voluntarily relinquished the comforts of home for the toils and privations of the camp and field, and all of whom, as gentlemen and officers, deservedly rank amongst the first.

Being citizens of the town of Newport, we have had opportunities daily to observe the conduct of the officers at the garrison and in the town, in their private deportment and in the government of the soldiers, and from the time this post has been under the command of Lieut. Col. Foster up to the present time, we have seen no cause of complaint against an officer for want of attention to the soldiers, or against the soldiers for want of neatness in their persons or their dress.

A single fact will show the little foundation for a charge of inattention to the wants of the sick soldiers. In the month of June, when the cholera was prevailing here, and there were from eighty to one hundred men in the garrison and twenty-eight of them at one time sick in the hospital, it was remarked by many who visited the garrison, "that if taken with that disease they would as soon be in the garrison hospital as elsewhere."

It is only necessary for us to add, that as far as daily observation has extended, the conduct of officers and soldiers at this post, has been such as we desire will ever characterise the American army.

And we add, from our own acquaintance with the officers, our disbelief of the statements in the aforesaid letter of the 12th July, tending to reflect upon them, in the equipment, embarkation and management of the detachment which left here on the 6th July, on board of the Paul Jones.

P. S.—During the sickness here, but one soldier died of cholera, and only one of any other disease.

NEWPORT, KENTUCKY, August 9th, 1834.

JNO. M. CALDWELL, *Sutler at Newport.*
FRANCIS T. HELM, *Mayor of the town of Newport.*

Thos. N. Lindsey,	Horatio T. Harris,
J. D. Hayman,	Jno. W. Taliaferro,
G. W. Doxon,	W. Baxter,
John B. Lindsey,	Daniel Mayo,
D. D. Mayo,	Samuel Perry,
Joseph Tod,	H. H. Southgate,
John W. Tibbatts,	N. B. Shaler, M. D.
Richard Southgate,	Samuel Winston,
Wm. D. Holt, M. D.	Elisha Mills,
James Southgate, of Covington,	

REGULATIONS.

Regulations upon regulations, orders upon orders, are only productive of evil, if they are not adhered to, and made the governing rule of conduct by officers. A multiplicity of orders is a curse to any service. But no class of orders has so injurious a tendency, as that whose very reading shows that the orders will not be carried into effect.

A great number of orders have been published to the army of late, among them, too many of the class pointed out. Order number 48, or the 48th commandment, is of that class. The saving clause in the 6th paragraph, "or as soon as in the opinion of the General-in-Chief," &c. showed too plainly that the order would not be strictly adhered to; that clause, in fact, annulled the order itself. The order was issued in May '33 and by its provisions, all officers on detached service, who had not served three years with their regiments, were to join their regiments on the 1st May, '34, "unless in the opinion," &c. Could not the General-in-Chief have made such arrangements, that by May, '34, all officers on duty contrary to the provisions of order No. 48, should have been relieved? In almost every case he could. But, waiving this question, let me ask, what excuse can there be offered for directly disregarding and violating the order? There are officers on detached service who have been on such service more than *two* years. Order No. 48 has not been obeyed; in some few cases its provisions have been complied with; but the principle of it has been violated repeatedly, and is violated continually. Since its publication, officers who have never served a *day* with their regiments, have been assigned to duties which take them from their regiments. The effect of the order has been injurious. High-minded officers, who scorn to apply for what is forbidden them, remain on duty with their regiments; others, mere hangers-on, do not hesitate to make application for any situation, and have the effrontery to ask their superiors to violate orders for their especial benefit. It is but justice to state that there may be many high-minded officers on detached service, contrary to the provisions of order No. 48. They were assigned without application. *Why*, they, who assigned them, well know. There are officers who have served three years with their regiments, and who are competent and desirous to perform all the duties required in the departments of staff, engineering, &c. Why are they not employed in those departments? Why are not officers who have never served a *day* with their regiments, ordered to join their companies? If they were, they, as well as the service generally, would be benefitted.

The regulations for the recruiting service deserve some notice. If recruits could be always recruits and remain at the depots, the regulations perhaps would be unexceptionable. As this, in the ordinary course of events, will not be the case, the regulations are in some points exceptionable. The regulations direct that there shall be depots, to which recruits shall be sent from the different rendezvous, for the purpose of being uniformed and drilled. The custom heretofore has been this: When a certain number of recruits were to be sent to any post, remote from the depot, an officer was directed to take charge of a detachment at the depot, and proceed to the post, increasing his detachment to the required number from the different rendezvous on his route. This course has been pursued *since* the regulations were issued, and I fear it will be pursued hereafter. The regulations direct that recruits shall not be employed on any fatigue duty except the ordinary police of the garrison. At the depot, the recruits will always be dressed in a neat and soldierly manner, and will perform military duty only. Many, trusting to appearances, will enlist, and while at the depot will be delighted with a soldier's life. After their arrival at some frontier post, how different will be their feelings! Then fatigue duty will be almost their only duty. They will become discontented, and pronounce the depot a mere catch-trap. Desertion will be the consequence. Unless the same course is pursued throughout the army as is to be adopted at the depot, the recruiting regulations will be productive of much evil.

There is a total want of confidence throughout the army, and this will be the case so long as orders are published merely to be countermanded, and regulations are made expressly to be violated.

ST. CLAIR.

TRAVELLING ALLOWANCES.

The July number of the Military and Naval Magazine contains an order of the Secretary of War, restricting and prescribing the transportation and travelling allowances of officers of the army. In his letter to the commanding general he says :

" It appears by the estimate of the Quartermaster General that the sum appropriated for the transportation of officers of the army, for the present year, will not be sufficient to meet the usual expenditures under this head, unless measures are taken to reduce the existing rate of allowance, and to limit, as far as the public service will permit, the amount of travel."

Under this state of things, the honorable Secretary has "taken measures" to meet the exigency. And what are these measures?

1st. The regulations on the subject of transportation have been revised, and the allowances reduced.

2d. He directs the commanding general "to impress upon all the officers commanding departments and posts, the necessity of their restricting the travelling of the officers within the narrowest limits compatible with the good of the service."

The inquiries to be made are as regards the justice and propriety of these measures. By whose orders do officers travel? For what purposes do they move from post to pillar? Is it generally a matter of loss or gain to them? Have they *generally* any volition as to the nature and extent of their travelling? I say *generally*, since there are some officers, the nature of whose duties permits them to judge of the fitness and frequency of their movements. A moment's reflection will readily answer each of the above questions; and it may be asked, is it just, is it proper, that officers who are continually subject to orders from their superiors, should be continually subject to the expenses of transportation while travelling in the discharge of their duties? That it is a source of expense can be readily shewn. By the revised regulations, officers travelling without troops, beyond the range of their appropriate daily duties, not less than twenty miles, are allowed nine cents per mile, and seven cents per mile if on a court-martial. This difference is made in consequence of a per diem allowance by an act of Congress to cover expenses while sitting on the court. Now it will be conceded that there are few instances, except on the sea board, where travelling is as low as seven or nine cents per mile, and it is well known that, during the winter season especially, the transportation *alone* exceeds ten cents per mile through the southern and western states. An officer then, in obeying an order, is subject to the expenses arising from transportation, necessary wants on his journey, and those arising from a temporary absence from his proper post. To be sure, the Secretary directs the commanding General "to impress upon officers commanding departments and posts the necessity of restricting the travelling of officers within the narrowest limits," &c. But this is a flourish of words without a meaning; a blank, to be used or not, just as is most convenient. Besides, what have the commanding officers of departments and posts to do, *generally*, with the movements of troops? Colonels of regiments and commanding officers of departments, *occasionally* change the positions of officers under their command; but the movements of the army, generally, are made by the orders of the Commander-in-Chief. He is the person to whom directions for restricting the movements of troops should have been given; and if an examination were made into the nature of these movements, it would be found that few of them, comparatively speaking, would be warranted by the good of the service. It is these unnecessary movements which create such a heavy expense to the Quartermaster's Department; and if they were less frequent, there would be no necessity for subjecting the officers of the army to unnecessary expenses. A company of artillery, for instance, has its station changed two or three times in the course of a few months; can it be said that these frequent transfers are necessary or even expedient? In conclusion, I will say that *justice* demands that the actual expenses of an officer, travelling under the orders of any department, should be refunded to him.

X. Y. Z.

MILITARY INTELLIGENCE.

MOVEMENTS OF TROOPS.—Company H. of the 3d Artillery, Lieutenant C. Graham commanding, arrived at Mobile from Fort Mitchell, on the 20th July, to join the garrison at Fort Morgan.

Company I. of the 4th Infantry, Brevet Major Wilson, has been ordered from Baton Rouge to the Chickasaw Agency.

Company C. of the 7th Infantry, Captain John Stuart, evacuated Fort Smith on the 16th June, and arrived at Fort Coffee, Swallow Rock, on the 17th.

GENERAL INTELLIGENCE.

The Secretary of War arrived at Detroit on the 12th August, and left that place on the 18th, on his return to Washington.

The Secretary of the Navy, accompanied by two of the Commissioners, have been on an annual visit of inspection to the northern navy yards.

Commodore Rodgers, President of the Navy Board, has been on a visit to the springs in Virginia, for the benefit of his health, which, as we learn, is somewhat improved.

Captain R. F. Stockton, of the Navy, who went to Europe for the purpose of negotiating a loan for the New Jersey Canal and Rail Road Company, has returned home, after having succeeded in the object of his mission.

Lieut. J. T. Homans, lately attached to the Mediterranean Squadron, arrived at Philadelphia on the 2d August, passenger in the brig J. Ashmun, from Cadiz, on leave from Commodore Patterson.

Dr. Howard, U. S. Civil Engineer, who recently died at Baltimore, was about to enter upon a survey of the Susquehanna river, with a view of ascertaining the practicability and expediency of making a national navigable communication from the Chesapeake to the Lakes.

HANDSOME COMPLIMENT.

The crew of the United States frigate Potomac, on her return from the Pacific ocean, subscribed a sum of money for the purpose of procuring a set of Surgical Instruments, to be presented to Dr. H. DeWitt Pawling, one of the Assistant Surgeons of that ship, as a testimony of their gratitude, esteem, and affection, for his unremitting attention to them during a three years' cruise—a large portion of which was in tropical climates.

There are seven cases, besides several detached instruments; the cases are made of rose wood, and beautifully finished, each having a silver plate with the following inscription :

Presented to
Dr. Henry DeWitt Pawling,
Assistant Surgeon United States' Navy,
by the crew of the U. S. frigate Potomac,
as a testimonial of
their esteem.

The instruments were made by Mr. Rose, of New York, are pronounced by competent judges to be of superior character, and are admirably finished.

NAVAL INTELLIGENCE.

The frigate Potomac is now nearly ready for sea at Boston, and will sail in all the month of September, or early in October, for the Mediterranean.

The following officers have been ordered to her :—

Captain—JOSEPH J. NICHOLSON.

Lieutenants—H. H. Cocke, J. B. Hull, J. Crowninshield, R. A. Jones, H. Pinkney, R. W. Jones.

Surgeon—G. Terrill. *Purser*—G. R. Barry.

Assistant Surgeons—H. Morson, R. T. Barry.

Acting Master—L. G. Keith. *Second Master*—J. C. Carter.

Passed Midshipmen—W. C. Griffin, J. F. Green, J. B. Marchand, J. De Camp, G. Minor, B. M. Dove, A. M. Pennock, H. C. Flagg, J. C. Walsh.

Midshipmen—T. M. Brasher, A. H. Wells, W. Reynolds, J. M. Bankhead, B. M. Bowland, R. L. Wey, G. J. W. Thayer, W. Ronckendorff, J. W. Bryce.

Gunner—W. B. Brown. *Carpenter*—W. L. Shuttleworth. *Sailmaker*—W. Ward.

The *Vandalia*, Captain Spencer, sailed from Pensacola on the 21st July, and arrived at Hampton Roads on the 11th August; officers and crew, with the exception of one or two cases of slight indisposition, remarkably healthy.

*List of officers on board the United States' sloop of war *Vandalia*.*

Commodore—JOHN D. HENLEY.

Master Commandant—William A. Spencer.

Lieutenants—Thomas J. Manning, Z. F. Johnston, John Graham, Chas. C. Turner, Stephen Johnston.

Fleet Surgeon—John A. Kearney. *Assistant Surgeon*—Geo. B. McKnight.

Sailing Master—Stephen C. Rowan. *Purser*—Dudley Walker.

Secretary—Thomas Miller. *Schoolmaster*—Felix Guidicelli.

Passed Midshipmen—Henry Darcantel, Melancton Smith.

Midshipmen—George W. Randolph, Edmund Lanier, James W. E. Reid, James McCormick, Lafayette Maynard, E. S. Hutter, Roger N. Stembell, George W. Chapman, James D. Johnson, George J. W. Thayer.

Acting Midshipman—Benjamin T. Wilson.

Passengers—Lieutenants William M. Armstrong and W. C. Whittle.

Captain's Clerk—Z. W. McKnew.

Gunner—Samuel Daggett. *Boatswain*—John Mills. *Carpenter*—Joseph Cox. *Sailmaker*—William Bennett.

The *Falmouth*, Captain Spencer, arrived at Pensacola on the 19th July, from a cruise. Captain Spencer was transferred to the *Vandalia*, and Captain Rousseau took command of the *Falmouth*.

The *John Adams*, Captain Conner, sailed from Hampton Roads for the Mediterranean, on the 6th August.

The *Erie*, Captain Percival, sailed from New-York for the coast of Brazil, on the 21st August. *Passenger*, E. R. Dorr, Esq. Consul of the U.S. at Buenos Ayres. Names of officers in both vessels published last month.

The *Boxer* is preparing for sea at Norfolk; destination uncertain.

The *Falmouth*, *Grampus* and *Experiment*, were at Pensacola on the 13th August.

The *Ontario* was at Buenos Ayres on the 11th June.

The *Vincennes* and *Fairfield* arrived at Callao in company, on the 15th April, and were still there on the 27th.

The *Delaware 74* was at Leghorn Roads on the 13th June.

MARRIAGES.

In Baltimore, on the 23d August, Dr. GEORGE TERRILL, of the Navy, to Miss ADELINE, daughter of the late ISAAC PURNELL Esq. of Caroline County, Md.

At Roxbury, Mass. Mr. GIDEON ELDRIDGE, to Miss PHEBE ANN daughter of Lt. JOHN WHITE, of the Navy.

At Warrenton, Va. on the 13th Aug. TEMPLE M. WASHINGTON, of the Navy, to Mrs. MARY D. HORNER.

DEATHS.

In Greencastle, Pa. on the 3d August, ARTHUR EMMETT, infant son of Lieut. J. M'CLELLAN, of the U. S. Army.

At the U. States' Arsenal, St. Louis, Mo. on the 29th July, ROBERT, aged 13 months, infant son of Captain JOHN SYMINGTON, of the Army.

In Philadelphia, on the 16th August, Col. WILLIAM PIATT, Paymaster U. S. Army.

At Annapolis, Md. on the 9th July, PHILIP ALEXANDER, infant son of Lieut. J. B. SCOTT, 4th U. S. Artillery.

At Marseilles, France, Mid. JOHN A. JARVIS, of the Navy.

At Cross Timbers, South West Territory, of bilious fever, on the 21st July, Brevet Brigadier Gen. HENRY LEAVENWORTH, Col. of the 3d Regiment U. S. Infantry.

On the same day, at the Camp, Washita river, S. W. Territory, Lieut. GEORGE W. M'CLURE, of the Dragoons.

In Baltimore, on the 26th August, Dr. WILLIAM HOWARD, in the 41st year of his age, Civil Engineer in the Service of the U. S.